

TITLE 60: BOARD OF EDUCATION

SUBCHAPTER 60-30.1

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Subchapter Authority: CNMI Const., art. XV; 1 CMC §§ 2251-2273; 3 CMC §§ 1101-1192.

Subchapter History: Amdts Adopted 39 Com. Reg. 39765 (July 28, 2017); Amdts Proposed 39 Com. Reg. 39656 (May 28, 2017); Amdts Adopted 31 Com. Reg. 29536 (May 20, 2009); Amdts Proposed 31 Com. Reg. 29215 (Feb. 25, 2009); Amdts Adopted 19 Com. Reg. 15449 (Aug. 15, 1997); Amdts Adopted 19 Com. Reg. 14943 (Jan. 15, 1997); Amdts Proposed 18 Com. Reg. 14484 (Nov. 15, 1996); Amdts Proposed 17 Com. Reg. 13907 (Dec. 15, 1995);* Amdts Adopted 19 Com. Reg. 15449 (Aug. 15, 1997); Amdts Adopted 18 Com. Reg. 13927 (Jan. 15, 1996); Amdts Proposed 17 Com. Reg. 13783 (Nov. 15, 1995);* Amdts Adopted 17 Com. Reg. 13383 (May 15,

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1995); Amdts Proposed 17 Com. Reg. 13008 (Mar. 15, 1995);* Amdts Adopted 17 Com. Reg. 13298 (Apr. 15, 1995); Amdts Proposed 17 Com. Reg. 12963 (Feb. 15, 1995); Amdts Adopted 16 Com. Reg. 12673 (Dec. 15, 1994); Amdts Proposed 16 Com. Reg. 12462 (Oct. 15, 1994); Amdts Adopted 16 Com. Reg. 12673 (Dec. 15, 1994); Amdts Proposed 16 Com. Reg. 12379 (Sept. 15, 1994); Amdts Adopted 16 Com. Reg. 12673 (Dec. 15, 1994); Amdts Adopted 16 Com. Reg. 12466 (Oct. 15, 1994); Amdts Proposed 16 Com. Reg. 12297 (Aug. 15, 1994); Amdts Proposed 16 Com. Reg. 11669 (Feb. 15, 1994); Amdts Proposed 15 Com. Reg. 10994 (Oct. 15, 1993);* Amdts Adopted 16 Com. Reg. 11671-72, 11679-80** (Feb. 15, 1994); Amdts Proposed 15 Com. Reg. 10989 (Oct. 15, 1993);* Amdts Adopted 15 Com. Reg. 10682 (June 15, 1993); Amdts Proposed 15 Com. Reg. 10364 (Jan. 15, 1993); Amdts Adopted 11 Com. Reg. 6604 (Oct. 15, 1989); Amdts Proposed 11 Com. Reg. 6481 (Sept. 15, 1989); Amdts Proposed 11 Com. Reg. 6358 (Aug. 15, 1989); Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

*Notices of adoption for certain provisions of the October 1993 proposed amendments, certain provision of the March 1995 proposed amendments, certain provisions of the November 1995 proposed amendments, and the December 1995 proposed amendments were never published.

**The adoption notice appears in two places, separated by unrelated provisions of proposed regulations.

Commission Comment: Title 3, division 1 of the Commonwealth Code contains the education laws of the Commonwealth. PL 6-10, the “Education Act of 1988,” codified as amended at 1 CMC §§ 2251-2273 and 3 CMC §§ 1101-1192, took effect on October 25, 1988. PL 6-10 § 1 created the Public School System as a nonprofit corporation within the Commonwealth government, headed by the Board of Education. See 1 CMC §§ 2251 and 2261. The Board of Education is empowered to formulate policy and exercise control over the Public School System and to establish rules, regulations and policies for the operation of the Public School System. See 1 CMC § 2268(b).

PL 6-10 repealed and reenacted PL 3-43 (effective Jan. 19, 1983), a comprehensive revision of the Commonwealth’s education laws. See the commission comment to 3 CMC § 1101.

Prior to October 25, 1988, the Commonwealth government included a Department of Education and Board of Education, which are the predecessors of the current Public School System and Board of Education. See PL 1-8 (effective August 10, 1978) and PL 3-43. Throughout the development of education law in the Commonwealth, the Board of Education has been the entity with the authority to promulgate rules and regulations.

In 1997, the Board of Education rescinded and replaced many provisions of the Public School System Personnel Regulations with the 1997 Regulations for the Employment of Certified and Non-certified Personnel. See 19 Com. Reg. at 14943 (Jan 15, 1997); see also NMIAC, title 60, subchapters 30.2 and 30.3. The rescinded provisions are noted in this subchapter where appropriate.

Part 001 - General Provisions

[Reserved.]

Part 100 - Purpose and Scope

[Rescinded by subsequent regulation.]

History: Amdts Adopted 19 Com. Reg. 14943 (Jan. 15, 1997); Amdts Proposed 18 Com. Reg. 14484 (Nov. 15, 1996); Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

Commission Comment: Former regulation 1000, including sections 1001-1005, was rescinded and replaced by the 1997 Regulations for the Employment of Certified and Non-certified Personnel. See 19 Com. Reg. at 14943 (Jan 15, 1997); see also NMIAC, title 60, subchapters 30.2 and 30.3.

Part 200 - Organization for Personnel Management

[Rescinded by subsequent regulation.]

History: Amdts Adopted 19 Com. Reg. 14943 (Jan. 15, 1997); Amdts Proposed 18 Com. Reg. 14484 (Nov. 15, 1996); Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

Commission Comment: Former regulation 2000, including sections 2001-2003, was rescinded and replaced by the 1997 Regulations for the Employment of Certified and Non-certified Personnel. See 19 Com. Reg. at 14943 (Jan 15, 1997); see also NMIAC, title 60, subchapters 30.2 and 30.3.

Part 300 - Staffing

Subpart A - Examinations

[Rescinded by subsequent regulation.]

History: Amdts Adopted 19 Com. Reg. 14943 (Jan. 15, 1997); Amdts Proposed 18 Com. Reg. 14484 (Nov. 15, 1996); Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

Commission Comment: Parts of former regulation 3000, including subpart 3100, sections 3101-3123, were rescinded and replaced by the 1997 Regulations for the Employment of Certified and Non-certified Personnel. See 19 Com. Reg. at 14943 (Jan 15, 1997); see also NMIAC, title 60, subchapters 30.2 and 30.3.

Subpart B - Positions and Appointments

[Rescinded by subsequent regulation.]

History: Amdts Adopted 26 Com. Reg. 23010 (Oct. 26, 2004); Amdts Proposed 26 Com. Reg. 23035 (Aug. 26, 2004); Amdts Adopted 18 Com. Reg. 13927 (Jan. 15, 1996); Amdts Proposed 17 Com. Reg. 13783 (Nov. 15, 1995); Amdts Adopted 19 Com. Reg. 14943 (Jan. 15, 1997); Amdts Proposed 18 Com. Reg. 14484 (Nov. 15, 1996); Amdts Proposed 17 Com. Reg. 13008 (Mar. 15, 1995); Amdts Adopted 17 Com. Reg. 13298 (Apr. 15, 1995); Amdts Proposed 17 Com. Reg. 12963 (Feb. 15, 1995); Amdts Adopted 16 Com. Reg. 12673 (Dec. 15, 1994); Amdts Proposed 16 Com. Reg. 12297 (Aug. 15, 1994); Amdts Adopted 11 Com. Reg. 6604 (Oct. 15, 1989); Amdts Proposed 11 Com. Reg. 6481 (Sept. 15, 1989); Amdts Proposed 11 Com. Reg. 6358 (Aug. 15, 1989); Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

Commission Comment: Parts of former regulation 3000, including subpart 3200, codified at subpart B of part 300, former sections 3201-3206, were rescinded and replaced by the 1997 Regulations for the Employment of Certified and Non-certified Personnel. See 19 Com. Reg. at 14943 (Jan 15, 1997); see also NMIAC, title 60, subchapters 30.2 and 30.3.

In 1996, the Board of Education added section 3207, entitled "School Bus Driver Drug & Alcohol Testing." In October 2004, the Board of Education repealed this section and replaced it with the Alcohol and Drug Free Workplace Policy, codified in the Regulations for the Employment of Certified and Non-certified Personnel. See NMIAC, title 60, subchapter 30.2, part 800 and NMIAC, title 60, subchapter 30.3, part 800.

Subpart C - Merit Promotion Program

§ 60-30.1-304 Policy

(a) 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

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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.

(b) 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.

Modified, 1 CMC § 3806(f).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

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

§ 60-30.1-306 Definitions

(a) **Position Change:** A promotion, transfer or demotion during an employee's 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.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

Commission Comment: In subsection (a), the Commission corrected the spelling of "employee's."

§ 60-30.1-308 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 days duration. (NOTE: All periods of detail of an employee to the position during the preceding twelve 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 re-employment priority list.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

§ 60-30.1-310 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.

Modified, 1 CMC § 3806(g).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

Commission Comment: In subsection (b), the Commission changed “extend” to “extent” to correct a manifest error.

§ 60-30.1-312 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 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.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

§ 60-30.1-314 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.

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

§ 60-30.1-316 Qualification Standards

- (a) 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.

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(b) 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.

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

(d) 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.

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

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

§ 60-30.1-318 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.

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

§ 60-30.1-320 Evaluation Methods

(a) 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

(1) 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.

(2) Identify those qualities which demonstrate a candidate's potential for future promotion, when the job being filled leads to further advancement.

(3) 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.

(b) 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.

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Modified, 1 CMC § 3806(f).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

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

§ 60-30.1-322 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.

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

§ 60-30.1-324 Selection Procedures

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- (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 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.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

§ 60-30.1-326 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.

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

§ 60-30.1-328 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 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.

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(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 subpart G, 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.

* So in original: see Commission Comment.

Modified, 1 CMC § 3806(c), (e), (f).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

Commission Comment: The reference to subpart G in subsection (b) is in error. The Board of Education repealed subpart G, former regulation 3700, in 1997. See 19 Com. Reg. at 14943 (Jan. 15, 1997).

§ 60-30.1-330 Review of Promotion Program

The Commissioner of Education appraises the operation of the merit promotion program 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.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

Commission Comment: In the opening paragraph, the Commission deleted the word “at” before “periodically” to correct a manifest error.

Subpart D - Suspensions, Separations and Demotions

[Rescinded by subsequent regulation.]

History: Amdts Adopted 19 Com. Reg. 14943 (Jan. 15, 1997); Amdts Proposed 18 Com. Reg. 14484 (Nov. 15, 1996); Amdts Adopted 17 Com. Reg. 13298 (Apr. 15, 1995); Amdts Proposed 17 Com. Reg. 12963 (Feb. 15, 1995); Amdts Adopted 16 Com. Reg. 12673 (Dec. 15, 1994); Amdts Proposed 16 Com. Reg. 12297 (Aug. 15, 1994); Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

Commission Comment: Parts of former regulation 3000, including subpart 3400, sections 3401-3403, codified at subpart D, were rescinded and replaced by the 1997 Regulations for the Employment of Certified and Non-certified Personnel. See 19 Com. Reg. at 14943 (Jan 15, 1997); see also NMIAC, title 60, subchapters 30.2 and 30.3.

Subpart E - Reduction-in-force (RIF)

§ 60-30.1-350 General

This subpart 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 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.

Modified, 1 CMC § 3806(g).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

Commission Comment: The Commission changed “or” to “of” and “make” to “made” to correct manifest errors.

§ 60-30.1-352 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 year; and
- (d) Temporary or employees under probationary status.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

§ 60-30.1-354 Reduction-in-Force 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 days in advance. He shall then institute administrative procedures to assure that all legitimate possibilities for reassignment have been explored.

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Modified, 1 CMC § 3806(e).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

§ 60-30.1-356 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.*

*So in original.

(a) Competitive Areas. For all positions:

- (1) Area 1. Saipan
- (2) Area 2. Rota
- (3) Area 3. Tinian
- (4) 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.

(1) 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.

(2) 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).

(i) Includes trainees. Includes employment under 61 TTC, paragraphs 9(d), (f), (h), (1), (m), (n) and (o) .

(ii)(A) 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

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terminated or converted to appointments per Administrative Directive 72-1 dated January 26, 1972.

(B) 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 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) Re-employment Priority Lists. Employees under permanent appointments who are separated by reduction-in-force shall be placed on an appropriate re-employment priority list for a period of three years or until returned to duty in a permanent position in the personnel service system. An appropriate re-employment priority list is the one established for the class and pay level form which the employee was finally separated.

Modified, 1 CMC § 3806(e), (f), (g).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

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

In subsection (f), the Commission corrected the spelling of "allotting."

§ 60-30.1-358 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.

Modified, 1 CMC § 3806(f).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

§ 60-30.1-360 Tenure Groups

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

(a) Tenure Groups I

(b) Tenure Groups II
Employees serving in probationary appointments.

(c) Tenure Group III
Employees serving in limited term or provisional appointments.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

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

The Commission inserted the final periods in subsections (b) and (c).

§ 60-30.1-362 Furlough and Separation

(a) The Commissioner of Education may use furloughs for more than thirty days if there is reasonable assurance that the employees furlough will be returned to duty within the next twelve 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 days or less may be used for clearing the rolls temporarily, not to exceed thirty days when there is positive assurance that employees so furloughed can return to duty within the 30-day period. Adverse action procedures must be used to place an employee in furlough status for thirty days or less.

Modified, 1 CMC § 3806(e), (g).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

Commission Comment: In subsection (c), the Commission changed “furlough” to “furloughed” to correct a manifest error.

§ 60-30.1-364 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.

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

§ 60-30.1-366 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 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).

Modified, 1 CMC § 3806(e), (f).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

§ 60-30.1-368 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 days, is not a competing employee for other positions in the receiving entity.

(c) Change of Location.

(1) 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.

(2) 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.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

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

§ 60-30.1-370 Reduction-in-force Procedures

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

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

Subpart F - Employee Appeals

[Rescinded by subsequent regulation.]

History: Amdts Adopted 19 Com. Reg. 14943 (Jan. 15, 1997); Amdts Proposed 18 Com. Reg. 14484 (Nov. 15, 1996); Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

Commission Comment: Parts of former regulation 3000, including subpart 3600, sections 3601-3608, codified at subpart F, were rescinded and replaced by the 1997 Regulations for the Employment of Certified and Non-certified Personnel. See 19 Com. Reg. at 14943 (Jan 15, 1997); see also NMIAC, title 60, subchapters 30.2 and 30.3.

Subpart G - Grievance Procedure

[Rescinded by subsequent regulation.]

History: Amdts Adopted 19 Com. Reg. 14943 (Jan. 15, 1997); Amdts Proposed 18 Com. Reg. 14484 (Nov. 15, 1996); Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

Commission Comment: Parts of former regulation 3000, including subpart 3700, sections 3701-3710, codified at subpart G, were rescinded and replaced by the 1997 Regulations for the Employment of Certified and Non-certified Personnel. See 19 Com. Reg. at 14943 (Jan 15, 1997); see also NMIAC, title 60, subchapters 30.2 and 30.3.

Subpart H - Sexual Harassment

§ 60-30.1-380 Sexual Harassment Prohibited

Sexual harassment of students or staff will not be tolerated within the Public School System. All persons associated with the Public School System are expected to conduct themselves at all times so as to provide an atmosphere free from sexual harassment. Violations of this policy will result in disciplinary action, including possible termination of employment.

Modified, 1 CMC § 3806(g).

History: Amdts Proposed 17 Com. Reg. 13783 (Nov. 15, 1995); Amdts Adopted 16 Com. Reg. 11671-72, 11679-80 (Feb. 15, 1994); Amdts Proposed 15 Com. Reg. 10989 (Oct. 15, 1993).

Commission Comment: The adoption notice for the October 1993 amendments appears in two places, separated by unrelated provisions of proposed regulations. A notice of adoption for the November 1995 proposed amendments was never published and, therefore, the Commission has not incorporated the proposed changes.

The Commission corrected the spelling of “harassment.”

§ 60-30.1-382 Definition of Sexual Harassment

- (a) Sexual harassment of* defined as unwelcome sexual advances, requests of sexual favors, or other verbal or physical conduct of a sexual nature when:
- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, promotion, demotion, or academic standing;
 - (2) Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting the individual; or
 - (3) Such conduct has the purpose or effect of unreasonably interfering with an individual’s work or academic performance or creating an intimidating hostile, or offensive working or academic environment.

*So in original; probably should be “is.”

- (b) Examples of acts that can be considered to be sexual harassment include sexual teasing, jokes, remarks or questions; letters, telephone calls or materials of a sexual nature; deliberate touching, leaning over, cornering or pinching; pressure for sexual favors; pressure for dates; and attempted or actual rape or sexual assault.

Modified, 1 CMC § 3806(g).

History: Amdts Proposed 17 Com. Reg. 13783 (Nov. 15, 1995); Amdts Adopted 16 Com. Reg. 11671-72, 11679-80 (Feb. 15, 1994); Amdts Proposed 15 Com. Reg. 10989 (Oct. 15, 1993).

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

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The adoption notice for the October 1993 amendments appears in two places, separated by unrelated provisions of proposed regulations. A notice of adoption for the November 1995 proposed amendments was never published and, therefore, the Commission has not incorporated the proposed changes.

In subsection (b), the Commission changed “act” to “acts” to correct a manifest error.

§ 60-30.1-384 Sexual Harassment Complaints

(a) Complaints by employees alleging sexual harassment may be submitted under the PSS grievance procedure (subpart G) or may be submitted in writing to the Commissioner of Education under § 60-30.1-386.

(b) Student allegations of sexual harassment should be reported to the principal of the student’s school. The Commissioner of Education and the legal counsel must be notified by the principal within twenty-four hours of receipt of either a verbal or written complaint.

(c) Retaliation against a person making a complaint of sexual harassment or participating in an investigation of alleged harassment is prohibited.

Modified, 1 CMC § 3806(c), (f), (g).

History: Amdts Proposed 17 Com. Reg. 13783 (Nov. 15, 1995); Amdts Adopted 16 Com. Reg. 11671-72, 11679-80 (Feb. 15, 1994); Amdts Proposed 15 Com. Reg. 10989 (Oct. 15, 1993).

Commission Comment: The reference to subpart G in subsection (a) is in error. The Board of Education repealed subpart G, former regulation 3700, in 1997. See 19 Com. Reg. at 14943 (Jan. 15, 1997).

The adoption notice for the October 1993 amendments appears in two places, separated by unrelated provisions of proposed regulations. A notice of adoption for the November 1995 proposed amendments was never published and, therefore, the Commission has not incorporated the proposed changes.

In subsection (b), the Commission corrected the spelling of “notified.”

§ 60-30.1-386 Procedure of Filing Sexual Harassment Complaints with the Commissioner

(a) Employee complaints alleging sexual harassment filed with the Commissioner of Education must be in writing and signed by the person making the complaint. The complaint must include the nature of the charge and the name of the alleged offender and must be filed within ten days of the act of alleged harassment.

(b) A copy of the complaint shall be provided to the alleged offender within fifteen days. Within fifteen days of receipt of the complaint, the Commissioner of Education or his or her designee shall interview the alleged offender and any witnesses.

(c) Within thirty days of receipt of the complaint, the Commissioner of Education shall notify the person making the complaint and the alleged offender of the results of the investigation and any disciplinary actions that will be taken.

History: Amdts Proposed 17 Com. Reg. 13783 (Nov. 15, 1995); Amdts Adopted 16 Com. Reg. 11671-72, 11679-80 (Feb. 15, 1994); Amdts Proposed 15 Com. Reg. 10989 (Oct. 15, 1993).

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Commission Comment: The adoption notice for the October 1993 amendments appears in two places, separated by unrelated provisions of proposed regulations. A notice of adoption for the November 1995 proposed amendments was never published and, therefore, the Commission has not incorporated the proposed changes.

§ 60-30.1-388 Right to Appeal

Disciplinary actions or decisions by the Commissioner of Education under this subpart may be appealed under subpart F by either party to the Board of Education within fifteen days after receipt of the Commissioner's decision.

Modified, 1 CMC § 3806(c), (d), (f).

History: Amdts Proposed 17 Com. Reg. 13783 (Nov. 15, 1995); Amdts Adopted 16 Com. Reg. 11671-72, 11679-80 (Feb. 15, 1994); Amdts Proposed 15 Com. Reg. 10989 (Oct. 15, 1993).

Commission Comment: The adoption notice for the October 1993 amendments appears in two places, separated by unrelated provisions of proposed regulations. A notice of adoption for the November 1995 proposed amendments was never published and, therefore, the Commission has not incorporated the proposed changes.

The reference to subpart F is in error. The Board of Education repealed subpart F, former part 3600, in 1997. See 19 Com. Reg. at 14943 (Jan. 15, 1997).

In November 1995, the Board of Education proposed to add regulation 3900, to be codified at subpart I, entitled "Equal Employment/ Educational Opportunity Policy." See 17 Com. Reg. at 13795-96 (November 15, 1995). A notice of adoption for the proposed regulation 3900 was never published and, therefore, the Commission has not incorporated the proposed provisions.

Part 400 - Classification and Compensation

Subpart A - Position Classification

§ 60-30.1-401 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.

Modified, 1 CMC § 3806(f).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

§ 60-30.1-402 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.**

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- (1) 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.
- (2) 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.

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(1) 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.

- (1) Bus drivers
- (2) Custodians/building maintenance
- (3) Clerk typists/administrative assistant/administrative Specialists/administrative officer
- (4) Tradesman/clerks
- (5) Accounting clerks, accounting technician, accountants
- (6) All others.

Modified, 1 CMC § 3806(e), (f), (g).

History: Amdts Adopted 19 Com. Reg. 14943 (Jan. 15, 1997); Amdts Proposed 18 Com. Reg. 14484 (Nov. 15, 1996); Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

Commission Comment: The 1997 amendments rescinded former subsection (l), entitled “Certified.” The Commission redesignated subsection (m) accordingly.

In subsection (j), the Commission inserted a period after “required.” The Commission inserted the final period in subsection (l)(6).

§ 60-30.1-404 Principles and Policies

(a) The basic principles underlying the position classification system are:

- (1) Equal pay for equal work; and
- (2) Variations in pay in proportion to substantial differences in difficulty, responsibility, and qualification requirements of the work.

(b) 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.

Modified, 1 CMC § 3806(f).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

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

§ 60-30.1-406 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.

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- (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 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.
 - (9) 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.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

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Commission Comment: The final paragraph of subsection (a) was not designated. The Commission designated subsection (a)(9).

In subsection (a)(6), the Commission deleted the repeated phrase “and the standards for employment of any position in the class.”

§ 60-30.1-408 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.

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

Subpart B - Compensation

§ 60-30.1-410 General

All persons employed by the Public School System shall be compensated in accordance with applicable law and provisions of this subpart. 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.

Modified, 1 CMC § 3806(d).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

§ 60-30.1-412 Compensation Plan

(a) 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.

(b) 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:

- (1) Kind and level of work;
- (2) Degree of difficulty and responsibility;
- (3) Kind, quality and level of qualification requirements;
- (4) Relationship to other classes in its occupational groups and of its occupational group to other occupational groups.

Modified, [1 CMC § 3806\(f\)](#).

History: Amdts Adopted 39 Com. Reg. 39765 (July 28, 2017); Amdts Proposed 39 Com. Reg. 39656 (May 28, 2017); Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

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

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In codifying 39 Com. Reg. 39765, the Commission included Schedule 1, Non-Certified Salary Schedule; Schedule 2, Classroom Instructor Salary Schedule; and Schedule 3, Teacher Aide, Library Aide Salary Schedules, below. Note: The table titled "Teacher Aide, Library Aide Salary Schedule" in Schedule 3 is to include "based on a 260-Day Contract" in the heading pursuant to adoption modifications at 39 Com. Reg. 39765.

39 Com. Reg. 39765 also included two attachments: Attachment 1, Highly Qualified Teacher (HQT) Requirements and Compensation Plan, and Attachment 2, Highly Qualified Counselor (HQC) Requirements and Compensation Plan, located at [§ 60-30.2-215](#).

Schedule 1 – Non-Certified Salary Schedule

Commonwealth of the Northern Mariana Islands
Public School System
Non-Certified Salary Schedule
Approved by State Board of Education on February 23, 2017 (Board Action No. 2017-25-007)

		Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12
1	Annual	16,100.00	16,905.00	17,750.25	18,637.75	19,569.65	20,548.13	21,575.54	22,654.32	23,787.04	24,976.39	26,225.21	27,536.47
	Bi-weekly	619.23	650.19	682.70	716.84	752.68	790.31	829.83	871.32	914.89	960.63	1,009.09	1,059.10
	Hourly	7.740	8.127	8.534	8.960	9.400	9.879	10.373	10.892	11.436	12.008	12.608	13.239
2	Annual	16,905.00	17,750.25	18,637.75	19,569.65	20,548.13	21,575.54	22,654.32	23,787.04	24,976.39	26,225.21	27,536.47	28,913.29
	Bi-weekly	650.19	682.70	716.84	752.68	790.31	829.83	871.32	914.89	960.63	1,009.09	1,059.09	1,110.01
	Hourly	8.127	8.534	8.960	9.400	9.879	10.373	10.891	11.436	12.008	12.608	13.239	13.901
3	Annual	17,750.25	18,637.75	19,569.65	20,548.13	21,575.54	22,654.32	23,787.04	24,976.39	26,225.21	27,536.47	28,913.29	30,358.95
	Bi-weekly	682.70	716.84	752.68	790.31	829.83	871.32	914.89	960.63	1,009.09	1,059.09	1,110.01	1,161.66
	Hourly	8.534	8.960	9.400	9.879	10.373	10.891	11.436	12.008	12.608	13.239	13.901	14.596
4	Annual	18,637.75	19,569.65	20,548.13	21,575.54	22,654.32	23,787.04	24,976.39	26,225.21	27,536.47	28,913.29	30,358.95	31,876.90
	Bi-weekly	716.84	752.68	790.31	829.83	871.32	914.89	960.63	1,009.09	1,059.09	1,110.01	1,161.66	1,224.03
	Hourly	8.960	9.400	9.879	10.373	10.891	11.436	12.008	12.608	13.239	13.901	14.596	15.335
5	Annual	19,569.65	20,548.13	21,575.54	22,654.32	23,787.04	24,976.39	26,225.21	27,536.47	28,913.29	30,358.95	31,876.90	33,476.75
	Bi-weekly	752.68	790.31	829.83	871.32	914.89	960.63	1,009.09	1,059.09	1,110.01	1,161.66	1,224.03	1,287.34
	Hourly	9.400	9.879	10.373	10.891	11.436	12.008	12.608	13.239	13.901	14.596	15.335	16.092
6	Annual	20,548.13	21,575.54	22,654.32	23,787.04	24,976.39	26,225.21	27,536.47	28,913.29	30,358.95	31,876.90	33,476.75	35,144.28
	Bi-weekly	790.31	829.83	871.32	914.89	960.63	1,009.09	1,059.09	1,110.01	1,161.66	1,224.03	1,287.34	1,351.70
	Hourly	9.879	10.373	10.891	11.436	12.008	12.608	13.239	13.901	14.596	15.335	16.092	16.896
7	Annual	21,575.54	22,654.32	23,787.04	24,976.39	26,225.21	27,536.47	28,913.29	30,358.95	31,876.90	33,476.75	35,144.28	36,901.50
	Bi-weekly	829.83	871.32	914.89	960.63	1,009.09	1,059.09	1,110.01	1,161.66	1,224.03	1,287.34	1,351.70	1,418.29
	Hourly	10.373	10.891	11.436	12.008	12.608	13.239	13.901	14.596	15.335	16.092	16.896	17.741
8	Annual	22,654.32	23,787.04	24,976.39	26,225.21	27,536.47	28,913.29	30,358.95	31,876.90	33,476.75	35,144.28	36,901.50	38,746.57
	Bi-weekly	871.32	914.89	960.63	1,009.09	1,059.09	1,110.01	1,161.66	1,224.03	1,287.34	1,351.70	1,418.29	1,486.25
	Hourly	10.891	11.436	12.008	12.608	13.239	13.901	14.596	15.335	16.092	16.896	17.741	18.628
9	Annual	23,787.04	24,976.39	26,225.21	27,536.47	28,913.29	30,358.95	31,876.90	33,476.75	35,144.28	36,901.50	38,746.57	40,683.90
	Bi-weekly	914.89	960.63	1,009.09	1,059.09	1,110.01	1,161.66	1,224.03	1,287.34	1,351.70	1,418.29	1,486.25	1,554.77
	Hourly	11.436	12.008	12.608	13.239	13.901	14.596	15.335	16.092	16.896	17.741	18.628	19.560
10	Annual	24,976.39	26,225.21	27,536.47	28,913.29	30,358.95	31,876.90	33,476.75	35,144.28	36,901.50	38,746.57	40,683.90	42,718.10
	Bi-weekly	960.63	1,009.09	1,059.09	1,110.01	1,161.66	1,224.03	1,287.34	1,351.70	1,418.29	1,486.25	1,554.77	1,643.00
	Hourly	12.008	12.608	13.239	13.901	14.596	15.335	16.092	16.896	17.741	18.628	19.560	20.538
11	Annual	26,225.21	27,536.47	28,913.29	30,358.95	31,876.90	33,476.75	35,144.28	36,901.50	38,746.57	40,683.90	42,718.10	44,854.54
	Bi-weekly	1,009.09	1,059.09	1,110.01	1,161.66	1,224.03	1,287.34	1,351.70	1,418.29	1,486.25	1,554.77	1,643.00	1,735.15
	Hourly	12.608	13.239	13.901	14.596	15.335	16.092	16.896	17.741	18.628	19.560	20.538	21.564
12	Annual	27,536.47	28,913.29	30,358.95	31,876.90	33,476.75	35,144.28	36,901.50	38,746.57	40,683.90	42,718.10	44,854.54	47,096.70
	Bi-weekly	1,059.09	1,110.01	1,161.66	1,224.03	1,287.34	1,351.70	1,418.29	1,486.25	1,554.77	1,643.00	1,735.15	1,811.41
	Hourly	13.239	13.901	14.596	15.335	16.092	16.896	17.741	18.628	19.560	20.538	21.564	22.643
13	Annual	28,913.29	30,358.95	31,876.90	33,476.75	35,144.28	36,901.50	38,746.57	40,683.90	42,718.10	44,854.54	47,096.70	49,451.54
	Bi-weekly	1,110.01	1,161.66	1,224.03	1,287.34	1,351.70	1,418.29	1,486.25	1,554.77	1,643.00	1,735.15	1,811.41	1,901.88
	Hourly	13.901	14.596	15.335	16.092	16.896	17.741	18.628	19.560	20.538	21.564	22.643	23.778
14	Annual	30,358.95	31,876.90	33,476.75	35,144.28	36,901.50	38,746.57	40,683.90	42,718.10	44,854.54	47,096.70	49,451.54	51,934.11
	Bi-weekly	1,161.66	1,224.03	1,287.34	1,351.70	1,418.29	1,486.25	1,554.77	1,643.00	1,735.15	1,811.41	1,901.88	1,997.08
	Hourly	14.596	15.335	16.092	16.896	17.741	18.628	19.560	20.538	21.564	22.643	23.778	24.960
15	Annual	31,876.90	33,476.75	35,144.28	36,901.50	38,746.57	40,683.90	42,718.10	44,854.54	47,096.70	49,451.54	51,934.11	54,520.32
	Bi-weekly	1,224.03	1,287.34	1,351.70	1,418.29	1,486.25	1,554.77	1,643.00	1,735.15	1,811.41	1,901.88	1,997.08	2,097.88
	Hourly	15.335	16.092	16.896	17.741	18.628	19.560	20.538	21.564	22.643	23.778	24.960	26.192

TITLE 60: BOARD OF EDUCATION

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16	Bi-weekly	1,228.03	1,287.34	1,351.70	1,418.29	1,490.25	1,564.77	1,643.00	1,725.15	1,811.41	1,901.98	1,997.08	2,096.84
	hourly	13.325	16.082	16.896	17.741	18.628	19.580	20.538	21.504	22.643	23.775	24.964	26.212
	Annual	33,476.70	35,144.28	36,901.50	38,746.57	40,683.90	42,718.10	44,854.00	47,096.70	49,451.54	51,924.11	54,520.32	57,348.33
17	Bi-weekly	1,287.34	1,351.70	1,418.29	1,490.25	1,564.77	1,643.00	1,725.15	1,811.41	1,901.98	1,997.08	2,096.84	2,201.78
	hourly	16.082	16.896	17.741	18.628	19.580	20.538	21.504	22.643	23.775	24.964	26.212	27.522
	Annual	36,144.28	36,901.50	38,746.57	40,683.90	42,718.10	44,854.00	47,096.70	49,451.54	51,924.11	54,520.32	57,246.33	60,108.65
18	Bi-weekly	1,351.70	1,418.29	1,490.25	1,564.77	1,643.00	1,725.15	1,811.41	1,901.98	1,997.08	2,096.84	2,201.78	2,311.87
	hourly	17.741	18.628	19.580	20.538	21.504	22.643	23.775	24.964	26.212	27.522	28.898	30.343
	Annual	38,901.50	38,746.57	40,683.90	42,718.10	44,854.00	47,096.70	49,451.54	51,924.11	54,520.32	57,246.33	60,108.65	63,114.08
19	Bi-weekly	1,418.29	1,490.25	1,564.77	1,643.00	1,725.15	1,811.41	1,901.98	1,997.08	2,096.84	2,201.78	2,311.87	2,427.46
	hourly	18.628	19.580	20.538	21.504	22.643	23.775	24.964	26.212	27.522	28.898	30.343	31.860
	Annual	40,883.90	42,718.10	44,854.00	47,096.70	49,451.54	51,924.11	54,520.32	57,246.33	60,108.65	63,114.08	66,269.79	69,583.28
20	Bi-weekly	1,490.25	1,564.77	1,643.00	1,725.15	1,811.41	1,901.98	1,997.08	2,096.84	2,201.78	2,311.87	2,427.46	2,548.84
	hourly	19.580	20.538	21.504	22.643	23.775	24.964	26.212	27.522	28.898	30.343	31.860	33.453
	Annual	42,718.10	44,854.00	47,096.70	49,451.54	51,924.11	54,520.32	57,246.33	60,108.65	63,114.08	66,269.79	69,583.28	73,062.44
21	Bi-weekly	1,564.77	1,643.00	1,725.15	1,811.41	1,901.98	1,997.08	2,096.84	2,201.78	2,311.87	2,427.46	2,548.84	2,676.28
	hourly	20.538	21.504	22.643	23.775	24.964	26.212	27.522	28.898	30.343	31.860	33.453	35.126
	Annual	44,854.00	47,096.70	49,451.54	51,924.11	54,520.32	57,246.33	60,108.65	63,114.08	66,269.79	69,583.28	73,062.44	76,715.56
22	Bi-weekly	1,643.00	1,725.15	1,811.41	1,901.98	1,997.08	2,096.84	2,201.78	2,311.87	2,427.46	2,548.84	2,676.28	2,810.09
	hourly	21.504	22.643	23.775	24.964	26.212	27.522	28.898	30.343	31.860	33.453	35.126	36.882
	Annual	47,096.70	49,451.54	51,924.11	54,520.32	57,246.33	60,108.65	63,114.08	66,269.79	69,583.28	73,062.44	76,715.56	80,551.34
23	Bi-weekly	1,725.15	1,811.41	1,901.98	1,997.08	2,096.84	2,201.78	2,311.87	2,427.46	2,548.84	2,676.28	2,810.09	2,950.60
	hourly	22.643	23.775	24.964	26.212	27.522	28.898	30.343	31.860	33.453	35.126	36.882	38.727
	Annual	49,451.54	51,924.11	54,520.32	57,246.33	60,108.65	63,114.08	66,269.79	69,583.28	73,062.44	76,715.56	80,551.34	84,578.91
24	Bi-weekly	1,811.41	1,901.98	1,997.08	2,096.84	2,201.78	2,311.87	2,427.46	2,548.84	2,676.28	2,810.09	2,950.60	3,098.13
	hourly	23.775	24.964	26.212	27.522	28.898	30.343	31.860	33.453	35.126	36.882	38.727	40.663
	Annual	51,924.11	54,520.32	57,246.33	60,108.65	63,114.08	66,269.79	69,583.28	73,062.44	76,715.56	80,551.34	84,578.91	88,807.85
25	Bi-weekly	1,901.98	1,997.08	2,096.84	2,201.78	2,311.87	2,427.46	2,548.84	2,676.28	2,810.09	2,950.60	3,098.13	3,253.03
	hourly	24.964	26.212	27.522	28.898	30.343	31.860	33.453	35.126	36.882	38.727	40.663	42.696
	Annual	54,520.32	57,246.33	60,108.65	63,114.08	66,269.79	69,583.28	73,062.44	76,715.56	80,551.34	84,578.91	88,807.85	93,248.25
26	Bi-weekly	1,997.08	2,096.84	2,201.78	2,311.87	2,427.46	2,548.84	2,676.28	2,810.09	2,950.60	3,098.13	3,253.03	3,415.69
	hourly	26.212	27.522	28.898	30.343	31.860	33.453	35.126	36.882	38.727	40.663	42.696	44.831
	Annual	57,246.33	60,108.65	63,114.08	66,269.79	69,583.28	73,062.44	76,715.56	80,551.34	84,578.91	88,807.85	93,248.25	97,910.66
27	Bi-weekly	2,096.84	2,201.78	2,311.87	2,427.46	2,548.84	2,676.28	2,810.09	2,950.60	3,098.13	3,253.03	3,415.69	3,586.47
	hourly	27.522	28.898	30.343	31.860	33.453	35.126	36.882	38.727	40.663	42.696	44.831	47.072
	Annual	60,108.65	63,114.08	66,269.79	69,583.28	73,062.44	76,715.56	80,551.34	84,578.91	88,807.85	93,248.25	97,910.66	102,808.19
28	Bi-weekly	2,201.78	2,311.87	2,427.46	2,548.84	2,676.28	2,810.09	2,950.60	3,098.13	3,253.03	3,415.69	3,586.47	3,765.79
	hourly	28.898	30.343	31.860	33.453	35.126	36.882	38.727	40.663	42.696	44.831	47.072	49.426
	Annual	63,114.08	66,269.79	69,583.28	73,062.44	76,715.56	80,551.34	84,578.91	88,807.85	93,248.25	97,910.66	102,808.19	107,948.50
29	Bi-weekly	2,311.87	2,427.46	2,548.84	2,676.28	2,810.09	2,950.60	3,098.13	3,253.03	3,415.69	3,586.47	3,765.79	3,954.08
	hourly	30.343	31.860	33.453	35.126	36.882	38.727	40.663	42.696	44.831	47.072	49.426	51.897
	Annual	66,269.79	69,583.28	73,062.44	76,715.56	80,551.34	84,578.91	88,807.85	93,248.25	97,910.66	102,808.19	107,948.50	113,343.83
30	Bi-weekly	2,427.46	2,548.84	2,676.28	2,810.09	2,950.60	3,098.13	3,253.03	3,415.69	3,586.47	3,765.79	3,954.08	4,151.79
	hourly	31.860	33.453	35.126	36.882	38.727	40.663	42.696	44.831	47.072	49.426	51.897	54.482
	Annual	69,583.28	73,062.44	76,715.56	80,551.34	84,578.91	88,807.85	93,248.25	97,910.66	102,808.19	107,948.50	113,343.83	118,011.82
31	Bi-weekly	2,548.84	2,676.28	2,810.09	2,950.60	3,098.13	3,253.03	3,415.69	3,586.47	3,765.79	3,954.08	4,151.79	4,369.38
	hourly	33.453	35.126	36.882	38.727	40.663	42.696	44.831	47.072	49.426	51.897	54.482	57.138
	Annual	73,062.44	76,715.56	80,551.34	84,578.91	88,807.85	93,248.25	97,910.66	102,808.19	107,948.50	113,343.83	118,011.82	122,938.38

Non-Certified Salary Schedule, Pg. 2; this page was inadvertently not included in the May 28, 2017 Comm. Reg.

TITLE 60: BOARD OF EDUCATION

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	hourly	33,453	35,126	36,802	38,727	40,653	42,696	44,831	47,072	49,426	51,897	54,492	57,217
32	Annual	73,062.44	78,715.56	80,551.34	84,578.91	88,807.85	93,248.25	97,910.86	102,806.19	107,946.50	113,343.83	119,011.02	124,861.57
	Bi-weekly	2,810.09	2,980.60	3,098.13	3,253.03	3,415.69	3,586.47	3,765.79	3,954.08	4,151.79	4,359.38	4,577.35	4,806.21
	hourly	35,126	36,802	38,727	40,653	42,696	44,831	47,072	49,426	51,897	54,492	57,217	
33	Annual	76,745.56	80,551.34	84,578.91	88,807.85	93,248.25	97,910.86	102,806.19	107,946.50	113,343.83	119,011.02	124,861.57	131,209.85
	Bi-weekly	2,950.60	3,098.13	3,253.03	3,415.69	3,586.47	3,765.79	3,954.08	4,151.79	4,359.38	4,577.35	4,806.21	5,046.52
	hourly	38,882	38,727	40,653	42,696	44,831	47,072	49,426	51,897	54,492	57,217	60,070	
34	Annual	80,551.34	84,578.91	88,807.85	93,248.25	97,910.86	102,806.19	107,946.50	113,343.83	119,011.02	124,861.57	131,209.85	137,770.43
	Bi-weekly	3,098.13	3,253.03	3,415.69	3,586.47	3,765.79	3,954.08	4,151.79	4,359.38	4,577.35	4,806.21	5,046.52	5,298.85
	hourly	38,727	40,653	42,696	44,831	47,072	49,426	51,897	54,492	57,217	60,070	63,082	
35	Annual	84,578.91	88,807.85	93,248.25	97,910.86	102,806.19	107,946.50	113,343.83	119,011.02	124,861.57	131,209.85	137,770.43	144,656.63
	Bi-weekly	3,253.03	3,415.69	3,586.47	3,765.79	3,954.08	4,151.79	4,359.38	4,577.35	4,806.21	5,046.52	5,298.85	5,563.79
	hourly	40,653	42,696	44,831	47,072	49,426	51,897	54,492	57,217	60,070	63,082	66,236	

ADMINISTRATORS

PAY GRADE 15/12 - 25/7
 PAY GRADE 25/6 - 30/12

SCHOOL VICE PRINCIPALS I-III
 SCHOOL PRINCIPALS I- III

PAY GRADE 21/6 - 24/12
 PAY GRADE 21/12 - 25/12
 PAY GRADE 25/12 - 30/12

SPECIALISTS/COORDINATORS
 MANAGERS
 *DIRECTORS (PROGRAM DIRECTORS)

KEY MANAGEMENT

PAY GRADE 30-35

FEDERAL PROGRAMS DIRECTOR (SYSTEM)
 HUMAN RESOURCES OFFICE DIRECTOR (SYSTEM)
 FINANCE OFFICE DIRECTOR (SYSTEM)
 ASSOCIATE COMMISSIONERS

TITLE 60: BOARD OF EDUCATION

Schedule 2 – Classroom Instructor Salary Schedule

PUBLIC SCHOOL SYSTEM
Classroom Instructor Salary Schedule
Approved by State Board of Education on February 23, 2017 (Base Action No. 2017-05-002)

PAY (WT)	STEP	SALARY												
		(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	
7	HOURLY	8,867	9,164	9,461	9,758	10,055	10,352	10,649	10,946	11,243	11,540	11,837	12,134	12,431
	MONTHLY	714.95	730.30	746.24	762.18	778.13	794.07	810.01	825.95	841.89	857.83	873.77	889.71	905.65
	ANNUAL	8,579.40	8,763.60	8,946.08	9,127.36	9,307.56	9,486.84	9,665.20	9,842.64	10,019.08	10,194.48	10,368.84	10,542.16	10,714.44
8	HOURLY	11,426	11,976	12,526	13,076	13,626	14,176	14,726	15,276	15,826	16,376	16,926	17,476	18,026
	MONTHLY	912.48	958.11	1,003.74	1,049.37	1,094.99	1,140.62	1,186.25	1,231.88	1,277.51	1,323.14	1,368.77	1,414.40	1,460.03
	ANNUAL	10,949.76	11,497.32	12,044.88	12,592.44	13,139.88	13,687.32	14,234.76	14,782.20	15,329.64	15,877.08	16,424.52	16,971.96	17,519.40
9	HOURLY	14,557	15,285	16,013	16,741	17,469	18,197	18,925	19,653	20,381	21,109	21,837	22,565	23,293
	MONTHLY	1,164.79	1,222.81	1,280.83	1,338.85	1,396.87	1,454.89	1,512.91	1,570.93	1,628.95	1,686.97	1,744.99	1,803.01	1,861.03
	ANNUAL	13,977.48	14,673.72	15,369.96	16,066.20	16,762.44	17,458.68	18,154.92	18,851.16	19,547.40	20,243.64	20,939.88	21,636.12	22,332.36

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TITLE 60: BOARD OF EDUCATION

Schedule 3 – Teacher Aide, Library Aide Salary Schedules

PUBLIC SCHOOL SYSTEM Teacher Aide, Library Aide Salary Schedules Approved by State Board of Education on February 23, 2017 (Board Action No. 2017-13-002)													
PAY LEVEL	STEP	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	
I	HOURLY	10.90	11.426	12.008	12.63	13.281	13.924	14.621	15.352	16.119	16.925	17.771	18.64
	BIWEEKLY	892.80	916.44	952.16	1,010.38	1,060.89	1,113.94	1,169.44	1,228.11	1,289.51	1,354.00	1,421.70	1,492.78
	ANNUAL	23,820.80	23,827.44	25,078.81	26,261.75	27,583.24	28,962.40	30,420.51	31,937.05	33,527.80	35,205.98	36,984.18	38,812.38
II	HOURLY	12.038	12.83	13.781	14.824	15.921	17.072	18.279	19.525	20.822	22.171	23.573	25.027
	BIWEEKLY	962.26	1,010.38	1,060.89	1,113.94	1,169.44	1,228.11	1,289.51	1,354.00	1,421.70	1,492.78	1,567.42	1,645.19
	ANNUAL	25,018.81	26,261.75	27,583.24	28,962.40	30,420.51	31,937.05	33,527.80	35,205.98	36,984.18	38,812.38	40,753.01	42,790.86
III	HOURLY	13.281	13.924	14.621	15.352	16.119	16.925	17.771	18.66	19.593	20.571	21.605	22.681
	BIWEEKLY	1,060.89	1,113.94	1,169.44	1,228.12	1,289.52	1,354.03	1,421.70	1,492.78	1,567.42	1,645.79	1,728.49	1,814.49
	ANNUAL	27,583.24	28,962.40	30,420.52	31,937.05	33,527.80	35,205.98	36,984.18	38,812.39	40,753.01	42,790.86	44,930.13	47,176.70

PUBLIC SCHOOL SYSTEM Teacher Aide Based on 190-Day Contract Approved by State Board of Education on February 23, 2017 (Board Action No. 2017-13-002)												
PAY LEVEL	STEP	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
I	HOURLY	10.90	11.458	12.048	12.69	13.381	14.024	14.821	15.652	16.519	17.425	18.369
	Adjusted	7.975	8.372	8.79	9.23	9.691	10.176	10.685	11.219	11.779	12.368	12.987
	BIWEEKLY	648.00	669.74	703.18	738.37	775.28	814.01	854.77	897.50	942.34	989.48	1,038.80
ANNUAL	16,588.00	17,413.12	18,282.56	19,197.60	20,158.72	21,164.88	22,223.92	23,335.04	24,500.88	25,726.00	27,011.92	28,383.20
II	HOURLY	12.038	12.83	13.781	14.824	15.921	17.072	18.279	19.525	20.822	22.171	23.573
	Adjusted	8.79	9.23	9.691	10.175	10.685	11.219	11.779	12.368	12.987	13.636	14.328
	BIWEEKLY	703.18	738.37	775.28	814.01	854.77	897.50	942.34	989.48	1,038.82	1,090.80	1,145.44
ANNUAL	18,282.56	19,197.60	20,158.72	21,164.88	22,223.92	23,335.04	24,500.88	25,726.00	27,011.92	28,366.20	29,781.28	31,260.44
III	HOURLY	13.281	13.924	14.621	15.352	16.119	16.925	17.771	18.66	19.593	20.571	21.605
	Adjusted	10.65	10.175	10.686	11.219	11.779	12.368	12.987	13.636	14.318	15.032	15.780
	BIWEEKLY	775.26	814.01	854.77	897.50	942.34	989.48	1,038.82	1,090.80	1,145.44	1,201.67	1,261.88
ANNUAL	20,158.72	21,164.88	22,223.92	23,335.04	24,500.88	25,726.00	27,011.92	28,366.20	29,781.28	31,260.44	32,803.52	34,405.12

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§ 60-30.1-414 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.

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

§ 60-30.1-416 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 steps provided it is within the budgeted level of the position. Payment of salary above step 1 of a pay level must be approved by Commissioner of Education.

(b) When a person may be re-employed after a break in service of one 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.

Modified, 1 CMC § 3806(e), (f).

History: Amdts Adopted 16 Com. Reg. 12466 (Oct. 15, 1994); Amdts Proposed 16 Com. Reg. 12297 (Aug. 15, 1994); Amdts Proposed 16 Com. Reg. 11669 (Feb. 15, 1994); Amdts Proposed 15 Com. Reg. 10994 (Oct. 15, 1993); Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

Commission Comment: The 1993 amendments proposed to amend subsection (a). A notice of adoption for the 1993 proposed amendments was never published and, therefore, the Commission has not incorporated the proposed changes.

The 1994 amendments amended subsection (a).

§ 60-30.1-418 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 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.

Modified, 1 CMC § 3806(e), (g).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

Commission Comment: The Commission changed "make" to "made" to correct a manifest error.

§ 60-30.1-420 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 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 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 two years.

Modified, 1 CMC § 3806(e).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

§ 60-30.1-422 Acting Assignment

An “acting” assignment is the designation, in writing, that an employee will act for a period of up to thirty days in place of a supervisor. When the supervisor’s absence exceeds the initial thirty day period, a new designation shall be made for an additional thirty days. This thirty day renewal of the acting assignment is repeated until the supervisor returns to his position. Whenever the acting assignment exceeds ninety days, the employee shall be temporarily promoted if s/he meets the qualifications standards of the position. If the acting assignment exceeds ninety days and the employee does not meet the qualifications 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 steps in his current pay level, but may not exceed the maximum step.

Modified, 1 CMC § 3806(e), (g).

History: Amdts Proposed 17 Com. Reg. 13907 (Dec. 15, 1995); Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

Commission Comment: A notice of adoption for the 1995 proposed amendments was never published and, therefore, the Commission has not incorporated the proposed changes.

The Commission deleted the repeated phrase “standards of the position, the employee may be temporarily promoted.”

§ 60-30.1-424 Demotion

(a) 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.

*So in original; probably should be “is.”

(b) 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.

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

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

§ 60-30.1-426 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.

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

§ 60-30.1-428 Effect on Service Anniversary Date

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

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

§ 60-30.1-430 Reallocation/Reclassification of Position to Higher Pay

An employee whose position is reallocated/reclassified to higher class shall be accorded treatment identical to initial hire with placement both grade and step determined based upon education and years of experience provided a budgeted FTE is available. The anniversary date shall not be recycled.

Modified, 1 CMC § 3806(e).

History: Amdts Adopted 19 Com. Reg. 15449 (Aug. 15, 1997); Amdts Proposed 18 Com. Reg. 14484 (Nov. 15, 1996); Amdts Proposed 17 Com. Reg. 13783 (Nov. 15, 1995); Amdts Adopted 16 Com. Reg. 12673 (Dec. 15, 1994); Amdts Proposed 16 Com. Reg. 12297 (Aug. 15, 1994); Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

Commission Comment: A notice of adoption for the 1995 proposed amendments was never published and, therefore, the Commission has not incorporated the proposed changes.

§ 60-30.1-432 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.

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

§ 60-30.1-434 Within-grade Increase

(a) Within-grade increase may be granted upon completion of fifty-two calendar weeks of satisfactory performance. The evaluation and within-grade increase form shall be completed by the immediate supervisor or his designees within five working days following the effective date.

(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

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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 hours, in* creditable toward the waiting period for a within-grade increase. Unapproved leave (AWOL) and leave without pay (LWOP) of more than forty 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 hours, whichever is greater.

*So in original; probably should be "is."

(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 re-employed 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 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.

(h) The anniversary date for a within-grade (WGI) increase shall be determined by the employee's date of hire and the anniversary date for this WGI shall not be recycled when an employee is either reclassified or promoted.

Modified, 1 CMC § 3806(e), (g).

History: Amdts Adopted 19 Com. Reg. 15449 (Aug. 15, 1997); Amdts Proposed 18 Com. Reg. 14484 (Nov. 15, 1996); Amdts Proposed 17 Com. Reg. 13783 (Nov. 15, 1995); Amdts Adopted 16 Com. Reg. 12673 (Dec. 15, 1994); Amdts Proposed 16 Com. Reg. 12297 (Aug. 15, 1994); Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

Commission Comment: The 1994 amendments amended subsection (a). The 1995 amendments proposed to add a new subsection (h). A notice of adoption for the 1995 proposed amendments was never published. The 1997 amendments added new subsection (h).

In subsection (a), the Commission changed "designee's" to "designees" and in subsection (e), the Commission changed "form" to "from" to correct manifest errors.

§ 60-30.1-436 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 step or two and a half pay difference for those employees or step 10 for each 120 hour unit.

(a) No employee may receive more than one step increase under this section 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 section 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.

Modified, 1 CMC § 3806(d), (e), (f).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

§ 60-30.1-438 Overtime Compensation & Control, Compensatory Time

[Rescinded by subsequent regulation.]

History: Amdts Adopted 16 Com. Reg. 12673 (Dec. 15, 1994); Amdts Proposed 16 Com. Reg. 12297 (Aug. 15, 1994); Amdts Adopted 16 Com. Reg. 12466 (Oct. 15, 1994); Amdts Proposed 16 Com. Reg. 11669 (Feb. 15, 1994); Amdts Proposed 15 Com. Reg. 10994 (Oct. 15, 1993); Amdts Adopted 15 Com. Reg. 10682 (June 15, 1993); Amdts Proposed 15 Com. Reg. 10364 (Jan. 15, 1993); Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

Commission Comment: Former section 4215 was rescinded and replaced by the 1997 Regulations for the Employment of Certified and Non-certified Personnel. See 19 Com. Reg. at 14943 (Jan 15, 1997); see also NMIAC, title 60, subchapters 30.2 and 30.3.

§ 60-30.1-440 Standard Work Week

[Rescinded by subsequent regulation.]

History: Amdts Adopted 19 Com. Reg. 14943 (Jan. 15, 1997); Amdts Proposed 18 Com. Reg. 14484 (Nov. 15, 1996); Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

Commission Comment: Former section 4216 was rescinded and replaced by the 1997 Regulations for the Employment of Certified and Non-certified Personnel. See 19 Com. Reg. at 14943 (Jan 15, 1997); see also NMIAC, title 60, subchapters 30.2 and 30.3.

§ 60-30.1-442 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 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 working days which do not fall within the standard work week.

Modified, 1 CMC § 3806(e).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

§ 60-30.1-444 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: Any employee required to work on a legal holiday which falls within his regularly scheduled work week shall be compensated at two 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 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 hours, the employee shall be compensated or be given compensatory time-off for any hours over eight at the rate of one and one-half times the base salary or the adjusted base salary, or the hours worked. Compensatory time-off shall be granted within four 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.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

§ 60-30.1-446 Premium Pay

(a) Hazardous Work.

(1) 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 their base salary rate.

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

(i) The conditions of unusual and extreme hazard to the employee's health and safety must be clearly evident and fully defined;

(ii) 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

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(iii) 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.

(1) To provide additional compensation, the hardship post differential of twenty percent 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.

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

(3) 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:

(i) 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.

(ii) 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.

(iii) 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.

(iv) Lack of Transportation. Generally identifies 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.

(v) 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 assigned to the employees assigned to that duty station.

(4) 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 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.

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(1) Control Criteria. To be eligible to receive payment of a night work differential, the following criteria must be met:

(i) Payment will be made only for actual hours worked which fall between the period of 4:30 p.m. and 7:30 a.m.

(ii) 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:

(i) 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;

(ii) 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

(iii) 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 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 times the base salary rate or adjusted base salary rate. When provided for in this subsection, 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.

(e)(1) After-school differential, coaching differential, summer school differential and Saturday school differential may be paid to PSS personnel who meet all BOE teacher certification requirement, have previously consulted and obtained approval from the COE. This differential shall be paid based on rates approved by BOE, provided funds are available. Persons receiving an after-school differential, coaching differential, summer school differential and/or a Saturday school differential shall not be eligible to receive overtime compensation. Coaches may receive a waiver of the certification requirement from the Commissioner for up to four years.

(2) Proposed differentials:

(i) Coaches: \$30*/sports season

(ii) After-school: \$30/daily session (not to exceed 2 hrs.)

(iii) Saturday: \$60/half day session

(iv) Before school: \$15/daily session (not to exceed 1 hr.)

(v) Summer school: \$100/full day (6 periods)

\$15*/half day (up to 4 periods)

(vi) Intercessions: \$15/per hour

*So in original; see the Commission comment to this section.

(f) Pay Differentials for Hard to Fill Special Education Positions.

(1) Doctorate Degree

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\$10,000.00 pay differential for a doctorate degree specialty areas including but not limited to speech pathology, audiology, occupational therapy, physical therapy, and psychology. Specialty area must be stated as the degree awarded on the diploma or as the degree major on official college transcripts. Other approved specialty areas must be approved by the Special Education Coordinator, Associate Commissioner of Instructional Services, Human Resources Director and Commissioner of Education. Specialty area must be stated on the diploma or official college transcripts as a degree major. Pay differentials in this category will be paid out on a quarterly basis, or as determined by the Fiscal Budget Officer (Finance Director). Pay differentials are subject to pro-rata calculation should a complete 190-day contract not be met.

(2) Related Service National Certification, Licensing Registration

\$8,000.00 pay differential for related service professional positions that are hard to fill, require a national registry exam for registry and licensure from a national association. Positions under this category are: ASHA certified audiologist, ASHA certified speech-language pathologist, registered physical therapist, registered occupational therapist, and registered/licensed educational psychologist. Pay differentials in this category will be paid out on a quarterly basis, or as determined by the Fiscal Budget Officer (Finance Director). Pay differentials are subject to pro-rata calculation should a complete 190-day contract not be met.

(3) Masters Degree in Special Education

\$8,000.00 pay differential for masters degree in special education, including but not limited to, specified specialty areas of special education, early intervention, early childhood special education, deaf education, visual impairments, severe disabilities, autism, multiple disabilities, serious social and emotional disturbances, behavioral and transition specialist. Specialty area must be stated on the diploma or official college transcripts as a degree major. Pay differentials in this category will be paid out on a quarterly basis, or as determined by the Fiscal Budget Officer (Finance Director). Pay differentials are subject to pro-rata calculation should a complete 190-day contract not be met.

(4) Bachelor's Degree in Special Education

\$3,000.00 pay differential for bachelors degree in special education including, but not limited to, specified specialty areas of special education, early intervention, early childhood special education, deaf education, visual impairments, severe disabilities, autism, multiple disabilities, serious social and emotional disturbances, behavioral and transition specialist. Specialty area must be stated on the diploma or official college transcripts as a degree major. Pay differentials in this category will be paid out on a quarterly basis, or as determined by the Fiscal Budget Officer (Finance Director). Pay differentials are subject to pro-rate calculation should a complete 190-day contract not be met.

(5) Outside of 190-day contract

\$75.00 per hour pay differential is for current and active Public School System related service professional employees, as defined under the Individuals with Disabilities Education Act of 2004 that are required to work outside the 190-day certified employment contract for example, on weekends or during non-instructional days. Category IV differential pay may be paid out provided that pre-approval of such pay is authorized by an immediate supervisor, the Human Resources Director and the Commissioner of Education.

(6) If an individual qualifies for two or more pay differentials, from the § 60.30.1-447(f)(1)-(5), only one pay differential which compensates at a higher rate will be allowed.

Modified, 1 CMC § 3806(d), (e), (f), (g).

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History: Amdts Adopted 31 Com. Reg. 29536 (May 20, 2009); Amdts Proposed 31 Com. Reg. 29215 (Feb. 25, 2009); Amdts Adopted 17 Com. Reg. 13383 (May 15, 1995); Amdts Proposed 17 Com. Reg. 13008 (Mar. 15, 1995); Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

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

The 1995 amendments added new subsection (e). The notice of adoption changed the proposed language of subsection (e). The starred numeric rates should probably be "\$300" and "\$50," respectively. Compare 17 Com. Reg. at 13013 (Mar. 15, 1995) and 17 Com. Reg. at 13386 (May 15, 1995).

In subsection (b)(3)(i), the Commission corrected the spelling of "communications." In subsection (b)(3)(iv), the Commission corrected the spelling of "identifies." In subsection (e), the Commission corrected the spelling of "summer." In subsection (f)(4), the Commission deleted the extra zero in found in the original \$3,000.000.

§ 60-30.1-448 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 subpart E of these regulations.

Modified, 1 CMC § 3806(c), (f).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

§ 60-30.1-450 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

- (a) Placed in LWOP from his regular position, or
- (b) Continue his government salary and reject the salary for the second position, whichever is of his personal advantage.

Modified, 1 CMC § 3806(f).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

§ 60-30.1-452 Severance Pay

- (a) 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:

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(1) For each full year of creditable service with the Commonwealth of the Northern Mariana Islands government, the employee is entitled to one-half of his bi-weekly pay rate in effect upon separation by RIF.

(2) For each full three months of service beyond the total full years of service, the employee is entitled to twenty-five percent of the pay for a bi-weekly period at the seventy-five percent of the pay for one bi-weekly period shall be paid under this part-year provision.

(b) Severance pay is paid at the regular bi-weekly sequences until the entitlement is exhausted. If an employee separated by RIF is re-employed 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 full year, he is not entitled to severance pay.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

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

§ 60-30.1-454 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, subpart G of part 300.

Modified, 1 CMC § 3806(d), (f), (g).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

Commission Comment: The reference to subpart G in subsection (d) is in error. The Board of Education repealed subpart G, former regulation 3700, in 1997. See 19 Com. Reg. at 14943 (Jan. 15, 1997).

In subsection (a), the Commission corrected the spelling of "timekeeper."

In 1993, the Board of Education proposed to add regulation 4300, entitled "Teachers and Teachers Aides." See 15 Com. Reg. 10989 (Oct. 15, 1993). A notice of adoption for regulation 4300 was never published and, therefore, the Commission has not incorporated the proposed provisions.

Part 500 - Employees and Management

Subpart A - Communications

§ 60-30.1-501 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 part 800 of this subchapter;
- (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;

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- (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:
 - (i) Occasional brief group meetings to recognize events and communicate plans of mutual interest to the employees in that office; and
 - (ii) Occasional social gatherings of employees and their families for picnics or holiday celebrations to promote better understanding and cooperation.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

§ 60-30.1-505 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 effect of nepotism: No husband, wife or immediate family members be hired or allowed to work in one section when one is in the decision making position.

Modified, 1 CMC § 3806(f).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

Subpart B - Employee Conduct and Performance

[Rescinded by subsequent regulation.]

History: Amdts Adopted 19 Com. Reg. 14943 (Jan. 15, 1997); Amdts Proposed 18 Com. Reg. 14484 (Nov. 15, 1996); Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

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Commission Comment: Parts of former regulation 5000, including subpart 5200, sections 5201-5207, codified at subpart B, were rescinded and replaced by the 1997 Regulations for the Employment of Certified and Non-certified Personnel. See 19 Com. Reg. at 14943 (Jan 15, 1997); see also NMIAC, title 60, subchapters 30.2 and 30.3.

Subpart C - Responsibilities of Employees and Management

[Rescinded by subsequent regulation.]

History: Amdts Adopted 19 Com. Reg. 14943 (Jan. 15, 1997); Amdts Proposed 18 Com. Reg. 14484 (Nov. 15, 1996); Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

Commission Comment: Parts of former regulation 5000, including subpart 5300, sections 5301-5320, codified at subpart C, were rescinded and replaced by the 1997 Regulations for the Employment of Certified and Non-certified Personnel. See 19 Com. Reg. at 14943 (Jan 15, 1997); see also NMIAC, title 60, subchapters 30.2 and 30.3.

Subpart D - Political Activity

[Rescinded by subsequent regulation.]

History: Amdts Adopted 19 Com. Reg. 14943 (Jan. 15, 1997); Amdts Proposed 18 Com. Reg. 14484 (Nov. 15, 1996); Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

Commission Comment: Parts of former regulation 5000, including subpart 5400, sections 5401-5405, codified at subpart D, were rescinded and replaced by the 1997 Regulations for the Employment of Certified and Non-certified Personnel. See 19 Com. Reg. at 14943 (Jan 15, 1997); see also NMIAC, title 60, subchapters 30.2 and 30.3.

Part 600 - Incentives and Awards

Subpart A - Incentives and Awards

§ 60-30.1-601 Introduction and Purpose

This subpart sets forth policies and procedures for the Public School System incentives and awards program under applicable regulations.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

§ 60-30.1-605 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.

Modified, 1 CMC § 3806(f).

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History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

§ 60-30.1-610 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.

Modified, 1 CMC § 3806(f).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

§ 60-30.1-615 Contributions and Award Categories

An employee's contribution, to be considered for an incentive award, must be identified with one of the following four categories:

- (a) Suggestion award;
- (b) Superior performance award;
- (c) Special Act or Service Award; and
- (d) Sustained superior performance for two years more.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

§ 60-30.1-620 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.

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

Subpart B - Recognition and Awards

§ 60-30.1-625 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 lump sum 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.

Modified, 1 CMC § 3806(f).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

§ 60-30.1-630 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.

Modified, 1 CMC § 3806(f).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

§ 60-30.1-635 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

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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 of* 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.

*So in original.

(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 years or more of Public School

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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.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

§ 60-30.1-640 Length of Service Awards

Public School System employees receive emblems commemorating ten, twenty, and thirty 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.

Modified, 1 CMC § 3806(e).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

§ 60-30.1-645 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 years of actual service and special achievement awards of two hundred dollars and over are presented by the Board of Education or its designee.
- (b) Length of service pins for twenty of actual service or more years* are presented to the employee by the Board of Education.

*So in original.

(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.

Modified, 1 CMC § 3806(e), (f).

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History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

Subpart C - Beneficial Suggestions Program

§ 60-30.1-650 Suggestion Award

A suggestion award is an award for an idea submitted by 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).

Modified, 1 CMC § 3806(f), (g).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

Commission Comment: The Commission deleted the repeated phrase "an employee" and inserted the final period.

§ 60-30.1-655 Suggestions Procedures

(a) 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 acknowledgment" 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.

(b) 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 year benefits (see § 60-30.1-655). 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.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

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

The cross-reference in subsection (b) is incorrect, as it references the same section and this section contains no provisions for suggestions with significant first year benefits.

In subsection (a), the Commission corrected the spelling of "acknowledgment." In subsection (b), the Commission changed "ear" to "year" to correct a manifest error.

§ 60-30.1-660 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.

Modified, 1 CMC § 3806(f).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

§ 60-30.1-665 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.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

Commission Comment: The Commission corrected the spelling of “and.”

Part 700 - Employee Benefits and Services

§ 60-30.1-701 Policy

(a) 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:

- (1) Leaves of absence; and
- (2) Benefits, such as social security coverage, group life insurance, accident and health insurance, workmen’s compensation coverage, etc.

(b) Procedures for application of the regulations in this part are included the procedural manual.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

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

The Board of Education rescinded all of part 700 except this introductory section in 1997. See 19 Com. Reg. at 14943 (Jan. 15, 1997). It was probably retained in error.

Subpart A - Leaves of Absence

[Rescinded by subsequent regulation.]

History: Amdts Adopted 19 Com. Reg. 14943 (Jan. 15, 1997); Amdts Proposed 18 Com. Reg. 14484 (Nov. 15, 1996); Amdts Proposed 17 Com. Reg. 13783 (Nov. 15, 1995); Amdts Proposed 17 Com. Reg. 13008 (Mar. 15, 1995); Amdts Adopted 13298 (Apr. 15, 1995); Amdts Proposed 17 Com. Reg. 12963 (Feb. 15, 1995); Amdts Adopted 16 Com. Reg. 12673 (Dec. 15, 1994); Amdts Proposed 16 Com. Reg. 12462 (Oct. 15, 1994); Amdts Proposed 16 Com. Reg. 12379 (Sept. 15, 1994); Amdts Proposed 15 Com. Reg. 10994 (Oct. 15, 1993); Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

Commission Comment: Most provisions of former regulation 7000, including subpart 7100, sections 7101-7110, codified at subpart A, were rescinded and replaced by the 1997 Regulations for the Employment of Certified and Non-certified Personnel. See 19 Com. Reg. at 14943 (Jan 15, 1997); see also NMIAC, title 60, subchapters 30.2 and 30.3.

Notices of adoption for the October 1993, March 1995, and November 1995 proposed amendments were never published.

Subpart B - Benefits

[Rescinded by subsequent regulation.]

History: Amdts Adopted 19 Com. Reg. 14943 (Jan. 15, 1997); Amdts Proposed 18 Com. Reg. 14484 (Nov. 15, 1996); Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

Commission Comment: Most provisions of former regulation 7000, including subpart 7200, sections 7201-7206, codified at subpart B, were rescinded and replaced by the 1997 Regulations for the Employment of Certified and Non-certified Personnel. See 19 Com. Reg. at 14943 (Jan 15, 1997); see also NMIAC, title 60, subchapters 30.2 and 30.3.

Part 800 - Performance Evaluation

§ 60-30.1-801 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.

Modified, 1 CMC § 3806(f).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

§ 60-30.1-805 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.

(b) Providing management with a basis for relating employee performance to other pertinent personnel management activities.

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

§ 60-30.1-810 Policy

(a) 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 employees position description is necessary to reach agreement on duties, performance standards and the work objectives.

(b) 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.

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

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

§ 60-30.1-815 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, weaknesses, 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.

Modified, 1 CMC § 3806(f).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

§ 60-30.1-820 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 60-30.1-356(e) of this subchapter provides that an employee with a current official performance rating of "exceptional" has an additional two points of retention credits for reduction-in-force purposes.

Modified, 1 CMC § 3806(c), (d), (e), (f).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

§ 60-30.1-825 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 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 weeks before the completion of the period of probation.

Modified, 1 CMC § 3806(e).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

§ 60-30.1-830 Appeals

[Rescinded by subsequent regulation.]

History: Amdts Adopted 19 Com. Reg. 14943 (Jan. 15, 1997); Amdts Proposed 18 Com. Reg. 14484 (Nov. 15, 1996); Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

Commission Comment: Former section 8007 was rescinded and replaced by the 1997 Regulations for the Employment of Certified and Non-certified Personnel. See 19 Com. Reg. at 14943 (Jan 15, 1997); see also NMIAC, title 60, subchapters 30.2 and 30.3.

§ 60-30.1-835 In-service Training/Professional Development

This is an enrichment program which falls under two separate categories:

(a) 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.

*So in original; the intended reference is unclear.

(b) 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.

(c) Workshop

(1) No employee may receive more than one step increase under this section 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.

(2) Upon determination of the department or activity head that such employee is eligible to receive a salary increase as provided for in this section, the department or activity head shall prepare, sign and submit a notification of personnel action to the Personnel Officer for final approval.

(3) The effective date of the increase under this section 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.

(4) This increase shall not affect the anniversary date of the employee.

Modified, 1 CMC § 3806(d), (e), (f).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

Commission Comment: The final paragraph was not designated. The Commission designated it subsection (c).

Part 900 - Records and Reports

Subpart A - Records

§ 60-30.1-901 Purpose

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

Modified, 1 CMC § 3806(f).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

§ 60-30.1-905 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.

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

§ 60-30.1-910 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.
- (10) Examples of temporary material include:
 - (i) Performance evaluation reports.
 - (ii) Annual employee review documentation sheets.
 - (iii) Copy of the descriptions of positions occupied by the employee.
 - (iv) Letter of reprimand -- retain for two years only.

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(v) 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.

(1) Whenever access to a medical record is allowed, the Personnel Management Officer shall record:

- (i) The date of access;
- (ii) The person allowed such access; and
- (iii) The reason therefor.

(2) 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.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

Commission Comment: The final paragraph of subsection (a) and the paragraphs of subsection (c) were not designated. The Commission designated subsections (a)(10) and (c)(1) and (c)(2), respectively.

§ 60-30.1-915 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.

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

§ 60-30.1-920 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.

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

§ 60-30.1-925 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.

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

§ 60-30.1-930 Information May Be Provided

(a) 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.

(b) 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.

Modified, 1 CMC § 3806(g).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

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

In subsection (b), the Commission corrected the spelling of "separation."

§ 60-30.1-935 Confidentiality of Personnel Files

(a) Purpose

PSS employee personnel files can contain highly confidential information. As such, the ability to review these files must be tightly controlled. For this reason the following regulation must be complied with in full before a PSS employee's personnel file may be reviewed by any PSS employee, Board member, or outside party.

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(b) Security of Personnel Files

Only persons authorized by this policy to have free access to personnel files shall be allowed in the personnel office. The Chief Personnel Officer or his/her designee shall ensure that personnel files are secured in lockable file cabinets and are locked up nightly. Only the Chief Personnel Officer and/or his/her designee and the Commissioner of Education shall retain keys to these file cabinets.

(c) Form

A standard application for review form must be completed in full and submitted to the Commissioner of Education for review as to the appropriateness of the rationale for review and legal ability of that person or entity to review the file(s). This form shall be periodically updated by the Commissioner, with the advice of legal counsel.

(d) Commissioner's Response

The Commissioner, with the advice of legal counsel, shall, within three working days of receiving the request form, either grant or deny the request for information, request that more information be provided by the applicant, or allow the request for information in part. This granting, request for information, denial or partial denial shall be noted on the application form and the complete form must be placed in the employee personnel file.

(e) PSS Personnel Exempt From These Requirements

The Commissioner of Education, individuals assigned to the Personnel Services Office and given prior written authorization by the Commissioner of Education, legal counsel, and the Equal Employment Opportunities Officer are exempt from the requirements of this regulation and are given free access to personnel files, limited by relevant laws, rules, and regulations. Employees have a right to review their own personnel file, absent information regarding previous reviews by PSS personnel, internal investigations, security checks, and privileged information. They must however, file a form and receive authorization pursuant to this regulation from the Commissioner.

(f) Board of Education Appeal of Commissioner's Decision

If the Commissioner of Education denies or partially denies a Board member's request to review a personnel file the Board member may appeal the decision to the full Board at the next meeting.

(g) Punishment

Any PSS employee found to have reviewed a PSS personnel file without complying with this regulation shall be subject to adverse action. Any PSS employee found to have contributed to improper review of a PSS personnel file may be subject to adverse action. Any Board of Education member found to have improperly reviewed a personnel file or contributed to the improper review of a personnel file shall be reported in executive session at the next Board meeting and the Board shall take action.

Modified, 1 CMC § 3806(f), (g).

History: Amdts Adopted 19 Com. Reg. 15449 (Aug. 15, 1997); Amdts Proposed 17 Com. Reg. 13783 (Nov. 15, 1995).

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Commission Comment: In subsection (c), the Commission corrected the spelling of “review.”

The following form was printed after this section. See 17 Com. Reg. at 13798 (Nov. 15, 1995).

APPLICATION TO REVIEW PERSONNEL FILE

Person requesting information _____
Title of person requesting information _____
Name of person(s) who’s file(s) you wish to review _____
Please specify in detail what information is needed and the reason that the information is requested _____

Signature _____ Date _____

I understand that personnel files are highly confidential documents and that if my request for information is granted I may not share any information from the personnel file with other people without approval from the Commissioner.

Commissioner’s Response to Request for Personnel File Information

I have reviewed your request for personnel file information with the PSS Legal Counsel and:

- Your request is granted
- Your request is granted in part. You may be provided with this information only _____
- Your request is denied
- We require additional information. Please provide details of _____

Commissioner of Ed. _____ Date _____

Subpart B - Reports

§ 60-30.1-940 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 § 8124(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.”

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

§ 60-30.1-945 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.

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History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

§ 60-30.1-950 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.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

Commission Comment: The Commission corrected the spelling of “management.”

In 1997, the Board of Education rescinded and replaced Personnel Regulations 10000 - 10000.221 with the 1997 Regulations for the Employment of Certified and Non-certified Personnel. See 19 Com. Reg. at 14943 (Jan 15, 1997); see also NMIAC, title 60, subchapters 30.2 and 30.3. Regulations numbered 10000 - 10000.221 had not previously been published in the Commonwealth Register.