

**TITLE 80: DEPARTMENT OF LABOR**

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**SUBCHAPTER 80-20.4**

**SECURITY GUARD, MANPOWER COMPANIES AND SERVICE PROVIDERS  
RULES AND REGULATIONS**

<b>Part 001</b>	<b>General Provisions</b>	§ 80-20.4-105	Screening
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Outside CNMI Prohibited		Hire Nonresident Workers;	
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Subchapter Authority: 3 CMC § 4424(a)(1) and (a)(6).

Subchapter History: Adopted 20 Com. Reg. 16261 (Oct. 15, 1998); Emergency and Proposed 20 Com. Reg. 15978 (July 15, 1998) (effective for 120 days from June 16, 1998).

Commission Comment: Under the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States (Covenant, Pub. L. No. 94-241, § 301, 90 Stat. 263), the CNMI government retained nearly exclusive control over immigration. After the enactment of the Consolidated Natural Resources Act of 2008 (CNRA, Pub. L. No. 110-229, 122 Stat. 754) on May 8, 2008, federal immigration law became applicable to the CNMI beginning on November 28, 2009. Under CNRA § 702(a), the CNRA made the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)) applicable to the CNMI. The CNRA further amended the Covenant to state that the “immigration laws,” as well as the amendments to the Covenant, “shall ... supersede and replace all laws, provisions, or programs of the Commonwealth relating to the admission of aliens and the removal of aliens from the Commonwealth.” On March 22, 2010, the Governor of the CNMI signed P.L. 17-1 into law, which effectively removed all references to immigration and deportation functions from the Commonwealth Code, and on April 15, 2010, the Office of the Attorney General, Division of Immigration, repealed the Division of Immigration Rules and Regulations (NMIAC Title 5, Chapter 40). The CNMI Department of Labor’s regulations relating to the admission of aliens in this subchapter were not specifically repealed, and therefore, remain.

For a complete history of the authority of the Department of Labor, see the commission comment to NMIAC subchapters 80-10.1 and 80-20.1.

In July 2004, the Department of Labor promulgated comprehensive amendments to the Alien Labor Rules and Regulations that included provisions regarding security guard and manpower hiring restrictions. See NMIAC 80-20.1, part 500.

**Part 001 - General Provisions**

[Reserved.]

**Part 100 - Security Guard, Manpower Companies and Service Providers  
Requirements**

**§ 80-20.4-101 Employees from Outside CNMI Prohibited**

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Security guard and manpower companies and service providers providing help supply or manpower services cannot hire any employees (including replacements under Public Law 11-6 [3 CMC §§ 4601-4607]) from outside the CNMI.

History: Adopted 20 Com. Reg. 16261 (Oct. 15, 1998); Emergency and Proposed 20 Com. Reg. 15978 (July 15, 1998) (effective for 120 days from June 16, 1998).

Commission Comment: The Commission created the section titles in part 100.

The October 1998 notice of adoption changed “service providers” to “service providers providing help supply or manpower services” where ever the phrase appeared in this subchapter.

### **§ 80-20.4-105            Screening Required**

All security guard and manpower companies and service providers providing help supply or manpower services must be screened pursuant to the memorandum of understanding between the Department of Labor and Immigration and the Department of Commerce prior to filing applications for renewal of employees or to have employees transferred to them. There shall be no waiver of the job vacancy announcement for any security guard, manpower, or service provider providing help supply or manpower services employees.

Modified, 1 CMC § 3806(f).

History: Adopted 20 Com. Reg. 16261 (Oct. 15, 1998); Emergency and Proposed 20 Com. Reg. 15978 (July 15, 1998) (effective for 120 days from June 16, 1998).

Commission Comment: With respect to the reference to the Department of Labor and Immigration, see Executive Order 03-01 (effective May 9, 2003), the “Department of Labor and Immigration Reorganization Plan of 2003,” returning the immigration functions of the executive branch to the Office of the Attorney General and renaming the Department of Labor. See also the commission comment to NMIAC subchapter 80-20.1.

### **§ 80-20.4-110            Companies Unfit to Hire Nonresident Workers**

If the security guard or manpower company or service provider providing help supply or manpower services is deemed unfit to hire nonresident employees by the Department of Commerce, then the employee shall either be allowed to transfer to a qualified second party employer (the one at which the employee was working), otherwise transfer pursuant to the regulations promulgated pursuant to Public Law 11-6 [NMIAC, title 80, subchapter 20.3], or be repatriated at the expense of the security guard or manpower company or service provider providing help supply or manpower services.

History: Adopted 20 Com. Reg. 16261 (Oct. 15, 1998); Emergency and Proposed 20 Com. Reg. 15978 (July 15, 1998) (effective for 120 days from June 16, 1998).

### **§ 80-20.4-115            Revocation of Business License Hearing**

If the security guard or manpower company or service provider providing help supply or manpower services is deemed unfit to hire nonresident employees by the Department of

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Commerce, the Department of Labor and Immigration will request that the Department of Commerce hold a hearing to determine whether the employer's business license should be revoked.

History: Adopted 20 Com. Reg. 16261 (Oct. 15, 1998); Emergency and Proposed 20 Com. Reg. 15978 (July 15, 1998) (effective for 120 days from June 16, 1998).

Commission Comment: With respect to the reference to the Department of Labor and Immigration, see Executive Order 03-01 (effective May 9, 2003), the "Department of Labor and Immigration Reorganization Plan of 2003," returning the immigration functions of the executive branch to the Office of the Attorney General and renaming the Department of Labor. See also the commission comment to NMIAC subchapter 80-20.1.

### **§ 80-20.4-120 Companies Fit to Hire Nonresident Workers; Requirements**

(a) If the security guard or manpower company or service provider providing help supply or manpower services is deemed fit to hire nonresident employees by the Department of Commerce, then the employer shall file the following:

- (1) A timely, complete labor application;
- (2) Time cards and canceled paycheck stubs (or signed receipts for cash) for the entire period (not to exceed one year) that the employee worked for the employer;
- (3) An affidavit signed by both the employer and employee affirming that the employee did not pay for the processing costs, fees, or health screening, and that he or she got paid by the employer for the last year or whatever period the employee worked for that employer; and
- (4) A cash bond or standby letter of credit in the amount of three months wages and one-way airfare to the employee's place of origin and \$3,000 for potential medical expenses or a bond for \$3,000 in potential medical expenses.

(b) Failure to provide any of the above (given the usual 10 days to correct deficiencies) will result in denial of the application.

Modified, 1 CMC § 3806(f).

History: Adopted 20 Com. Reg. 16261 (Oct. 15, 1998); Emergency and Proposed 20 Com. Reg. 15978 (July 15, 1998) (effective for 120 days from June 16, 1998).

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

The October 1998 notice of adoption changed the proposed language of subsection (a)(4).