

TITLE 1: GOVERNMENT
DIVISION 8: PUBLIC EMPLOYMENT

§ 8116. Civil Service Commission: Powers and Duties.

The Commission shall represent the public interest in assuring compliance with basic policy concerning personnel administration and insuring that the integrity of the system is preserved. To this end, the Commission shall have the following powers and duties:

(a) To prepare a comprehensive personnel management plan and proposed personnel policies of the Commonwealth government, and submit copies thereof to the governor and the legislature;

(b) To oversee the operation of the Office of Personnel Management, and employ such staff as is necessary to carry out the purposes of this part. Employees of the Commission and the Office of Personnel Management shall be in the civil service;

(c) To hear and decide appeals of any person aggrieved by any action of the Office of Personnel Management or other management or any employee for disciplinary action, suspension, demotion or dismissal from the civil service. In deciding an appeal, the Commission may grant such relief as it deems appropriate, including an award of costs and attorney fees. The Commission may utilize the services of qualified hearing officers if the services are deemed essential by the Commission.

(d) To issue subpoenas and administer oaths to witnesses in any matter pending before the Commission; and

(e) To perform any other lawful acts required by law or deemed by it to be necessary to carry out its duties under this part.

Source: PL 1-9, § 3; amended by PL 3-65, § 2; modified; PL 12-54, §§ 2 and 3; PL 12-54 repealed by PL 13-1, § 2; repealed and reenacted by PL 17-80 § 3 (8116) (August 31, 2012), modified.

Commission Comment: The Commission corrected capitalization and made the following changes to this section pursuant to 1 CMC § 3806: (1) substituted “and employee such staff is necessary to carry out the purpose of this act” with “and employ such staff as is necessary to carry out the purposes of this part” in subsection (b); (2) substituted “Office of Personnel Management of other management” with “Office of Personnel Management or other management” in subsection (c); and replaced “this act” with “this part” in subsection (e).

Executive Order 94-3, the “Second Reorganization Plan of 1994” (effective August 23, 1994), reorganized the Commonwealth government executive branch, changed agency names and official titles and effected numerous other revisions. According to Executive Order 94-3, § 214:

Section 214. Personnel Management.

(a) There is hereby established an Office of Personnel Management, which shall have at its head a Director of Personnel, who shall be appointed by the Governor with the advice and consent of the Senate and who shall have the rank of a special assistant to the Governor.

(b) The Personnel Office is abolished and, except as otherwise provided in this section or in Section 307, its functions transferred to the Office of Personnel Management.

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(c) Boards and commissions (including the Civil Service Commission for its own employees), the Marianas Public Land Trust, the Board of Education/Public School System, the Northern Marianas College, and the Legislative and Judicial Branches (for their administrative staffs) may, to the extent of budgetary resources, retain or establish personnel management functions within their organizations, or they may, by agreement, arrange with the Office of Personnel Management to perform such functions on their behalf.

(d) The following functions of the Personnel Office shall be retained by the Civil Service Commission (which may establish an appropriate administrative structure for such purpose) and may be delegated in whole or in part to any or all of the appointing authorities:

- (1) Exemption of positions from Civil Service classifications.
- (2) Development, evaluation, and improvement of the Personnel Service Performance Standards and Appraisal System.
- (3) Recommendation and promulgation of regulations relating to Personnel matters.

(e) Notwithstanding any other provision of law, the function of taking any personnel action is, subject to the policies set forth by the Civil Service Commission, vested in the respective appointing authorities and shall not require further approval. Such actions shall be documented by the Office of Personnel Management (or by any office or employee conducting a personnel management function pursuant to subsection (b) of this section); and a copy of such documentation forwarded to the Civil Service Commission.

(f) The functions of the Personnel Office relating to training programs for government employees are transferred to the Northern Marianas College. The Board of Regents of the Northern Marianas College shall consult as necessary with the Director of Personnel regarding such programs. Government agencies and instrumentalities may, after consultation with the College, supplement such programs as budgetary resources may permit.

(g) Nothing in this section shall be taken to derogate from the constitutional authority of the Civil Service Commission.

The full text of Executive Order 94-3 is set forth in the Commission comment to 1 CMC § 2001.

PL 12-54 became law via override on June 18, 2001. PL 12-54 contained findings, repealer and reenactment, administrative provisions, severability, and savings clause provisions. According to PL 12-54:

Section 1. Findings. The Legislature finds that it is in the best interest of the CNMI government agencies and departments to repeal Sections 214 and 509 of Executive Order 94-3 and restore the provisions of the law so affected. Placing the Office of Personnel Management within the Civil Service Commission would reestablish a non-partisan and independent civil service system as required by Article XX of the Commonwealth Constitution.

Section 2. Repealer and Reenactment. Sections 214 and 509 of Executive Order 94-3 are hereby repealed and the provisions of law affected by Sections 214 and 509 are hereby reenacted and restored as they existed prior to the effective date of Executive Order 94-3.

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Section 3. Administrative Provisions.

(a) The provisions of Section 2 shall not result in the reduction or elimination, demotion, or displacement of any positions within the Civil Service Commission nor the Office of Personnel Management.

(b) All funds, records, property and personnel of the Office of Personnel Management are transferred to the Civil Service Commission, Personnel Office.

(c) The Personnel Office is renamed the Office of Personnel Management.

PL 13-1 took effect February 13, 2002. Contained in PL 13-1 were the following findings and purpose, repealer, reenactment, transfer, and severability clauses:

Section 1. Findings and Purpose. The Legislature finds that staff positions under the Office of the Governor, Office of the Lieutenant Governor, Office of the Resident Representative to the United States, and the Municipal Councils for each Senatorial District rightfully should be exempt from the civil service. For obvious policy reasons, each administration should be allowed the discretion and flexibility to determine its own staffing requirements to more efficiently and effectively meet its goals and objectives. Along with this, the term "executive position" should be defined to clarify the positions that are intended to be exempt from civil service under 1 CMC 8131 (a)(6). The Legislature finds that the Office of Personnel Management should be returned to the control of the Office of the Governor for purposes of administrative efficiency.

Section 2. Repealer. PL 12-54 is hereby repealed in its entirety [sic].

Section 3. Re-enactment. Executive Order 94-3, Section 214 is hereby reinstated in its entirety.

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Section 5. Transition. Any Commonwealth government employee who loses civil service status as a result of this Act shall, for a period of three years, have reemployment rights for any civil service position for which he or she is qualified, and shall be entitled to transfer in to such employment pursuant to applicable rules, regulations and procedure.

Section 6. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.