

TITLE 1: GOVERNMENT
DIVISION 8: PUBLIC EMPLOYMENT

§ 8250. Exemptions.

(a) The salary provisions of this chapter shall not apply to a nonelected employee holding a position on April 1, 1985, where the employee receives a salary higher than the salary established by this chapter for his position. In all cases the salary of the nonelected employee shall be frozen at its level on April 1, 1985, until the nonelected employee leaves his position. The successor of the nonelected employee shall be subject to this chapter and shall receive the salary established by this chapter for the position.

(1) This section shall apply only to base salary. There shall be no exemptions for standby, hazardous, night time differential, overtime pay, or any kind of bonus salary.

(b) The Commonwealth judiciary are exempt from this section.

(c) If the Governor certifies to the presiding officers of the legislature and the chairman of the Civil Service Commission that, after a diligent effort, the Commonwealth is unable to recruit a professionally or technically qualified person to take an appointed position, he or she may waive the salary ceiling established by law for that position.

(1) This section shall not be used to increase the salary of any person who has previously held the same position.

(d) If the presiding officers of the legislature certify to the chairman of the Civil Service Commission that, after a diligent effort, the legislature is unable to recruit a professionally or technically qualified person to take a legislative position, they may waive the salary ceiling established by law for that position.

(e) [1 CMC §§ 8245\(b\)-\(d\)](#), [8246](#), [8248\(a\)](#), [8251](#), and [8252](#) shall not apply to the Commonwealth Utilities Corporation, the Northern Marianas Housing Corporation, the Commonwealth Development Authority, and the Commonwealth Ports Authority.

(f) If the Chief Justice of the Supreme Court or the Presiding Judge of the Superior Court certifies to the presiding officers of the legislature and the chairman of the Civil Service Commission that, after a diligent effort, the respective court is unable to recruit a professionally or technically qualified person to take a position of employment with the Commonwealth judiciary, the justice or judge may waive the salary ceiling established by law for that position.

(1) This section shall not be used to increase the salary of any person who has previously held the same position.

(g) [1 CMC § 8249](#) shall not apply to a valid contract entered into before April 1, 1985. All renegotiated, amended or renewed contracts shall be considered new contracts and shall not be exempted from [1 CMC § 8249](#).

(h) [1 CMC § 8248\(a\)](#) shall not apply to Seaport and Airport Managers of the Commonwealth Ports Authority.

Source: [PL 4-32](#), § 13; amended by [PL 6-5](#), §§ 312, 313; [PL 6-25](#), §§ 7, 8; [PL 10-27](#), § 3(d); subsection (e) amended by [PL 18-74](#) § 2 (Feb. 13, 2015); (h)

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enacted by [PL 19-48](#) § 2 (June 13, 2016); (e) amended by [PL 19-71](#) § 2 (Nov. 17, 2016).

Commission Comment: The Commission changed references to Chief Judge and Trial Court to Presiding Judge and Superior Court in accordance with [PL 6-25](#), the Commonwealth Judicial Reorganization Act of 1989.

[PL 18-74](#) (effective Feb. 13, 2015) contained, in addition to savings and severability clauses, the following Findings and Purpose section:

Section 1. Findings and purpose. The Legislature finds that on August 23, 1994, the Northern Marianas Housing Corporation (NMHC) was established by [Executive Order 94-3](#). NMHC is an autonomous government agency that provides efficient and responsive delivery of housing, mortgage and community development needs to the people of the Commonwealth through the administration of U.S. Department of Housing and Urban Development (HUD) programs, specifically, the Community Development Block Grant, Emergency Solutions Grant, HOME Investment Partnerships Program, Neighborhood Stabilization Program, Section 8 Housing Choice Voucher and New Construction Multifamily Programs. Additionally, the Legislature finds that NMHC administers the U.S. Department of the Treasury's Low Income Housing Tax Credit Program. The Legislature finds that NMHC efficiently and responsibly delivers these vital federally-related programs and services to the people of the Commonwealth in large part to the dedicated and qualified staff and management who possess the certification, specialized training, and institutional knowledge of the various programs administered by this agency.

The Legislature finds that according to HUD, while Public Housing Authorities (PHAs) (NMHC is a PHA) are administered by the states and their employees are state rather than federal employees, PHAs administer significant federal resources and as such must adhere to federal standards of fiscal responsibility." HUD, as the grantor agency, requires all PHAs to provide on an annual basis data on the compensation for their top 5 highest compensated employees to ensure that pay ranges are commensurate with the size and number of housing units in housing authorities in uniformity with federal standards.

Furthermore, the Legislature finds that one hundred percent (100%) of NMHC's operating and personnel budget is derived from federal funds (HUD). Further, HUD has implemented a tier system and reporting requirement that ensures that pay ranges are commensurate with the size and number of units in housing authorities.

Therefore, the Legislature finds that because the services performed by NMHC staff are special, unique, and require degree of expertise or special knowledge and these services are essential to the housing and community development needs of the people of the Commonwealth, it is only fitting and justifiable that NMHC be exempted from certain provisions of the Compensation Adjustment Act. The intent of this Act is to amend [1 CMC § 8250\(e\)](#).