

TITLE 4: ECONOMIC RESOURCES
DIVISION 9: LABOR

§ 9212. Definitions.

As used in this chapter:

(a) "Agriculture" means agriculture as defined in Section 3(f) of the federal Fair Labor Standards Act of 1938 [29 U.S.C. § 203(f)], or as the same may be amended from time to time.

(b) "Department" means the Department of Commerce and Labor; provided, however, that "department" means the Civil Service Commission for employers and employees of the Commonwealth government.

(c) "Director" means the Director of Commerce and Labor; provided, however, that "director" means the Personnel Officer for employers and employees of the Commonwealth government. "Director" includes his or her authorized representative.

(d) "Employ" means to permit to work.

(e) "Employee" means any individual employed by an employer.

(f) "Employer" means any individual, partnership, association, corporation, business trust, legal representative, the government, its agencies and instrumentalities, or any organized group of persons, acting directly or indirectly in the interest of an employer in relation to an employee, but does not include the United States government.

(g) "Wage" paid to an employee means legal tender of the United States, or checks on banks convertible into cash on demand at face value, and includes in addition thereto the reasonable cost, as determined by the department, to the employer of furnishing an employee with board, lodging or other facilities which are customarily furnished by such employer to his or her employees.

(h) "Week" or "workweek" means any period of seven consecutive days.

Source: PL 1-20, § 2; amended by PL 1-31, §§ 7, 8; PL 3-16, § 1; PL 8-21, § 3.

Commission Comment: 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, §§ 103, 214(a) and (b), and 301(a) and (b)(1)-(3):

Section 103. Department of Commerce. The Department of Commerce and Labor is re-designated the Department of Commerce.

....

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.

....

Section 301. Department of Labor and Immigration.

TITLE 4: ECONOMIC RESOURCES

DIVISION 9: LABOR

(a) Department Established. There is hereby established a Department of Labor and Immigration which shall have at its head a Secretary of Labor and Immigration.

(b) Labor and Employment Services.

(1) The Division of Labor and the Division of Employment Services are transferred from the Department of Commerce to the Department of Labor and Immigration. The Secretary of Labor and Immigration shall strengthen the Division of Employment Services to increase its ability to encourage and locate private sector employment for Commonwealth residents. The Secretary shall coordinate the functions of the two offices such that the availability of resident workers known to the Division of Employment Services is considered by the Division of Labor before non-resident worker certificates are issued.

(2) The functions of the Secretary of Commerce under Chapter 2 [of] 4 CMC, Division 9 [4 CMC § 9211 et seq.], relating to minimum wages and hours, are transferred to the Secretary of Labor and Immigration.

(3) The Wage and Salary Review Board is abolished and its records, property, facilities, equipment, and supplies transferred to the Department of Labor and Immigration.

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