

**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
SAIPAN, TINIAN, ROTA and NORTHERN ISLANDS**



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**COMMONWEALTH REGISTER**

**VOLUME 35**

**NUMBER 06**

**JUNE 28, 2013**

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# COMMONWEALTH REGISTER

VOLUME 35  
NUMBER 06

June 28, 2013

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**Commonwealth of the Northern Mariana Islands  
Office of the Governor  
Medical Referral Services**



**PUBLIC NOTICE OF PROPOSED RULES AND REGULATIONS**

**PROPOSED RULES AND REGULATIONS REPEALING AND REENACTING  
MEDICAL REFERRAL SERVICES RULES AND REGULATIONS**

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**INTENDED ACTION TO ADOPT THESE PROPOSED REGULATIONS:** The Commonwealth of the Northern Mariana Islands, Medical Referral Services intends to adopt as permanent regulations the attached Proposed Rules and Regulations, pursuant to the procedures of the Administrative Procedure Act.1 CMC § 9104(a) and applicable regulations. The Proposed Rules and Regulations will become effective 10 days after compliance with 1 CMC §§ 9102, 9104 (a), 9105(b) and applicable regulations.

**AUTHORITY:** Medical Referral Services, through PL 16-51 § 3 (3 CMC § 2804(v)), as amended by Executive Order 2013-09, has the power to adopt regulations determining when off-island care is necessary and appropriate.

**THE TERMS AND SUBSTANCE OF THE PROPOSED REGULATIONS:** The Proposed Rules and Regulations are substantially similar to the current Rules and Regulations that the Medical Referral Service currently operates. The proposed Rules and Regulations, as promulgated, will resolve issues regarding the validity of the current regulations and will modify the current regulations in order to ensure the present and future fiscal viability of the Medical Referral Program.

In order to reflect the reorganization of Medical Referral Services under Executive Order 2013-09, the Proposed Rules and Regulations will repeal in its entirety the current rules and regulations located at Subchapter 140-10.7 of the Northern Mariana Islands Administrative Code as those apply under the Department of Public Health/Commonwealth Healthcare Corporation. The attached Proposed Rules and Regulations will be re-enacted under the Office of the Governor, Medical Referral Services.

As stated, the proposed Rules and Regulations are substantially similar to the current Rules and Regulations that the Medical Referral Service currently operates under. There are several modifications though. The proposed regulations reflect the fact that Medical Referral Services is now under the Office of the Governor. Importantly, the proposed regulations will narrow medical referral to medical care and treatment not available within the Commonwealth for conditions which are life threatening or involve acute neurology, vision of other possible permanent loss of function.

Other changes are to eligibility requirements, the types and amount of maintenance costs, medical evacuations from Rota, excluded expenses and modifications to the

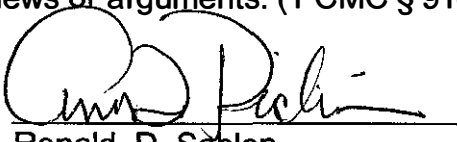
lifetime cap on medical referral expenses. The proposed regulations also update the standards for indigent reimbursement.

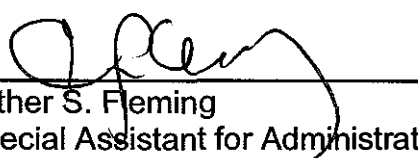
These modifications will help ensure the present and future fiscal viability of the Medical Referral Program.

**DIRECTIONS FOR FILING AND PUBLICATION:** These Proposed Regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9102(a)(1)) and posted in convenient places in the civic center and in local government offices in each senatorial district, both in English and in the principal vernacular. (1 CMC § 9104(a)(1)).

The Medical Services Director will take appropriate measures to make these Regulations known to the persons who may be affected by them.

**TO PROVIDE COMMENTS:** Send or deliver your comments to Ronald D. Sablan, Director of Medical Referral Services, *Attn: Medical Referral Services Rules and Regulations*, at the address, fax or email address indicated on the front page of this notice, with the subject line "Medical Referral Services Rules and Regulations". Comments are due within 30 days from the date of publication of this notice. Please submit your data, views or arguments. (1 CMC § 9104(a)(2))

Submitted by:  5/30/13  
for Ronald D. Sablan Date  
Director of Medical Referral Services

Received by:  6/21/13  
Esther S. Fleming Date  
Special Assistant for Administration

Filed and Recorded by:  06.21.2013  
Esther M. San Nicolas Date  
Commonwealth Register

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published, 1 CMC § 2153(f) (publication of rules and regulations).

 6/19/13  
JOEY P. SAN NICOLAS Date  
Attorney General

**Commonwealth of the Northern Mariana Islands**  
**Office of the Governor**  
**Medical Referral Services**

**ARONGORONGOL TOULAP REEL POMWOL ALLÉGH ME ATIWLIGH**

**POMWOL ALLÉGH ME ATIWLIGH KKA EBWE LIWELI ME FÉÉRÚ SEFALI ALLÉGHÚL MEDICAL REFERRAL SERVICES.**

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**MÁNGEMÁNGIL MWÓGHUT YEEL BWE EBWE ADAPTÁALI POMMWOL ATIWLIGH KKAAL:**

Commonwealth Téél Falúw kka Efang Marianas Medical Referral Services emuschel ebwe adaptáali me aleshú ló atiwlich kka e appasch bwe Proposed Regulations, sáangi mwóghutughutul Administrative Procedure Act, 1 CMC § 9104(a) me atiwlich kka e ffil. Pomwol atiwlich kkaal, ebwe bwunguló 10 ráal mwiril yaar atabwey alléghúl 1 CMC §§ 9102, 9104(a), 9105(b) me akkaw atiwlich.

**BWÁNGIL:**

Medical Referral Services, sangi PL 16-51 § 3 (3 CMC §2804(v)), igha e amendá sangi Executive Order 2103-09, e bwughi bwángil ebwe adaptáali atiwlich kka ebwe detetminali ileta off-island care e nesesariyo me e ffil.

**KKAPASAL ME AWEWEEL:**

Pomwol allégh kkaal ewewe ngali allégh kka Medical Referral Service re kke yááyá ighila. Pomwol allégh kka e akkatewow, ebwe awela me liweli mwóghutughutul atiwlich kka eghomw reel ebwe asiguru li yaal future fiscal viability il Medical Referral Program.

Reel ebwe bwáá reorganization il Medical Referral Services faal Executive Order 2013-09, Pomwol Atiwlich kkaal ebwe liweli alongal atiwlich kka eghomw e llo llól Subchapter 140-10.7 llól Northern Mariana Islands Administrative Code ikka e applikka ngali faal Department of Public Health/Comomwealth Healthcare Corporation. Pomwol Atiwlich kka e appasch ebwe féér sefal faal ofisinal Governor, Medical Referral Services.

Igha e affat, powmol atiwlich kka e weewe ngali atiwlich kka efasúl iye ekke amwóghutu Medical Referral Service me ebwal yoor akkaw siwel. Pomwol atiwlich kka e abwari bwe Medical Referral Service a llo ighila faal Ofisinal Governor. Importantly, pomwol atiwlich kkaal ebwe narrow li medical referral ngali medical care me treatment ikka ese yoor llól Commonwealth me kkondition kka e life threatening me e toolong acute neurology, me vision reel akkaw possible permanent loss of function.

Bwal akkaw liwel ngali eligibility requirements, tapelal me óbwóssul maintenance, medical evacuations sangi Luuta, ese toolong mwéél me liwel reel lifetime cap reel mwéél medical referral. Pomwol atiwlich kkaal ebwe update li standards reel indigent reimbursement.

Liwel kkaal ebwe asiguru li presenti me bwal future fiscal viability il Medical Referral Progam.

**AFALA REEL AMWELIL ME ARONGOWOWUL:** Pomwol Allégh kkal ebwe appasch long llól Commonwealth Register llól section proposed and newly adopted regulations (1 CMC § 9102(a)(1)) me ebwe appasch fetal llól bwuley kka e lo civic center me bwal llól bwulasiyoo kka llól senatorial district reel kkasal English, Remeraalis me Refaluwasch. (1 CMC § 9104(a)(1))

Medical Service Director ebwe arongawow allégh kkaal ngaliir aramas kkaa emwal rebwe affected reel.

**ISISILONGOL MÁNGEMÁNG:** Afanga ngare bwughi lló mángemangim reel Ronald D. Sablan, Direkktodil Medical Referral Services, , Attn: Medical Referral Services Rules and Regulations,, reel address ,fax ngare email address. Iye e lo wóol page iye e lo mwalil arong yeel , subject line: "Medical Referral Services Rules and Regulations". Isisilongol mángemáng nge ebwe lól 30 ráll mwuril akkatel arong yeel. Isalilong yaami data, mwálili me angingi. (1 CMC §9104(a)(2))

Isáliiyalong:

  
\_\_\_\_\_  
**Ronald D. Sablan**  
Director of Medical Referral Services

6/18/13  
Ráll

Mwir Sáangi:

  
\_\_\_\_\_  
**ESTHER S. FLEMING**  
Special Assistant for Administration

6/21/13  
Ráll

Amwel Sáangi:

  
\_\_\_\_\_  
**ESTHER M. SAN NICOLAS**  
Commonwealth Register

06-21-2013  
Ráll

Sáangi 1 CMC § 2153(e) Allégh kkaal a lléghló sáangi AG bwe e fil reel fféerúúl me 1 CMC §9104(a)(3)(mwiiir sáangi AG)Pomwol atiwligh kkal a appaschlong a takkal amwuri fiischiy, me angúungú ló fféerúúl me legal sufficiency sáangi CNMI Attorney General me ebwele akkatewoow, 1 CMC §2153(f) (akkatwoowul atiwligh)

  
\_\_\_\_\_  
Joey P. San Nicolas  
Attorney General

6/19/13  
Ráll

**COMMONWEALTH GI SANGKATTAN NA ISLAN MARIANAS SIHA**  
**Ufisinan Gubietnu**  
**Sitbisiun Riniferin Medikât**

**NUTISIAN PUPBLIKU GI MANMAPROPONI NA AREKLAMENTU YAN REGULASION SIHA**

MANMAPROPONI I AREKLAMENTU YAN REGULASION SIHA NI MANMA'APEPELA YAN MATA'LUN  
MA'O'OTDIN I AREKLAMENTU YAN REGULASION SIHA GI SITBISIUN RINIFERIN MEDIKÂT

---

**I AKSION NI MA'INTENSIONA NA PARA U MA'ADÂPTA ESTI I MANMAPROPONI NA REGULASION SIHA:** I Commonwealth gi Sangkattan na Islas Marianas Siha, I Sitbisiun Riniferin Medikât ha intensiona para u adâpta kumu petmanienti na regulasion siha ni mañechettun i Manmaproponi na Areklamentu yan Regulasion, sigun i manera siha gi Âktun Administrative Procedure, 1 CMC § 9104(a) yan i aplikâpbli na regulasion siha. I Manmaproponi na Areklamentu yan Regulasion para u ifektibu gi dies(10)dihas na tiempu dispues di compliance i 1 CMC §§ 9102, 9104 (a), 9105(b) yan i aplikâpbli na regulasion siha.

**ÂTURIDÂT:** Sitbisiun Riniferin Medikât Siha, ginin i Lai Pupbliku 16-51 § 3 (3 CMC § 2804(v)), kumu ma'amenda ni Otdin Eksakatibu 2013-09, ni gai fuetsa para u adâpta i regulasion siha ni dinititmina hâfa i off-island care na u nisisâriu yan apropositu.

**I TEMA YAN SUSTÂNSIAN I MANMAPROPONI NA REGULASION SIHA:** I Manmaproponi na Areklamentu yan Regulasion ni meggai ha' mana'achuli' yan i presentu na Areklamentu yan Regulasion siha ni ha maneneha gi presentu i Sitbisiun Riniferin Medikât. I maproponi na Areklamentu yan Regulasion siha, kumu macho'gui, para u sâtba todû i manera sigun gi binalin i presentu na regulasion siha yan para u arekla i presentu na regulasion siha gi anai para u na'siguru i presentu yan i futura na fiscal viability gi Prugrâman Riniferin Medikât.

Gi anai para u rinifekta i reorganization gi Sitbisiun Riniferin Medikât gi papa' i Otdin Eksakatibu 2013-09, i Manmaproponi na Areklamentu yan Regulasion para u apela intieramenti i presentu na areklamentu yan regulasion siha ni gaigi gi Subchapter 140-10.7 gi Sangkattan na Islas Marianas Administrative Code kumu atyu todû inaplika gi papa' i Dipattamentun Hinemlu' Pupbliku/Commonwealth Healthcare Corporation. I mañechettun ni Manmaproponi na Areklamentu yan Regulasion siha ni para u re-enacted gi papa' i Ufisinan Gubietnu, Sitbisiun Riniferin Medikât.

Kumu mamensiona, i manmaproponi na Areklamentu yan Regulasion ni meggai mana'achuli' gi presentu na Areklamentu yan Regulasion siha ni Sitbisiun Riniferin Medikât ni ha maneneha gi presentu . Guaha mâs areklu siempri. I manmaproponi na regulasion siha ha riflekta fâktu ni Sitbisiun Riniferin Medikât gaigi pâ'gu gi papa' Ufisiina Gubietnu. I tmâs impottânti, i manmaproponi na regulasion siha para u na'istretchu i riniferin medicât gi medical care yan treatment ni ti u guaha gi halum i Commonwealth para i kundision siha ni man-life threatening pat sâonâo i acute neurology, vision gi ottru ni pumusiibli petmanietni ni loss of function.



Ottru na tinilaika ni mangkuálifikáo na dinimánda siha, i klási siha yan i kantidán i maintenance costs,

medical evacuations ginin Luta, ti humálum i gástu siha yan i modifications para i lifetime cap gi gástun Riniferin medicát siha. I manmaproponi na regulasion lokkuí manma'adilánta i standards para indigent reimbursement.

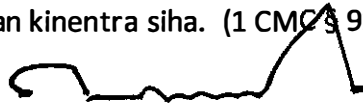
Esti na tinilaika siha para u na'siguru i presentí yan i futturun fiscal viability gi Prugráman Riniferin Medikát.

**DIREKSION PARA U MAPO'LU YAN MAPUPBLIKASION:** Esti i Manmaproponi na Regulasion debi na u mapupblika gi halum i Rehistran Commonwealth gi seksiona gi manmaproponi yan nuebu na ma'adápata i regulasion siha ( 1 CMC § 9102(a)(1) yan mapega gi halum i kumbinienti na lugát siha gi halum i civic center yan gi ufisinan gubietnamentu siha gi kada distritun senadot, parehu English yan gi dos na lingguáhin natibu. ( 1 CMC § 9104(a)(1)).

I Direktot Sitbisiun Medikát para u chuli' apropositu na inadahi ni para u na matungu' esti na Regulasion siha para háyi ni siña maninafekta ni esti siha.

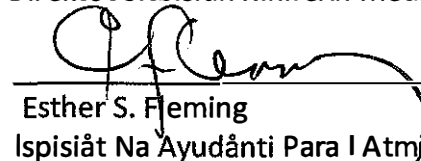
**PARA U MAPRIBENIYI UPIÑON SIHA:** Na'hánáo pat intrega upiñon-mu guatu gi as Ronald D. Sablan, Direktot Sitbisiun Riniferin Medikát, *Attn: Areklamentu yan Regulasion Siha ni Sitbisiun Riniferin Medikát*, gi address, fax pat email address ni ma'indikka gi sanme'na gi páhinan esti na nutisia, yan i ráyan suhetu "Areklamentu yan Regulasion Siha gi Sitbisiun Riniferin Medikát". Todu upiñon debi na u fanhálum trenta(30)dihas ginin i fetchan publikasion esti na nutisia. Put fabot na'hálum i imfotmasion, upiñon, pat kinuntestan kinentra siha. (1 CMC § 9104(a)(2))

Nina'hálum as:

  
\_\_\_\_\_  
Ronald D. Sablan  
Direktot Sitbisiun Riniferin Medikát


6/18/13  
Fetcha

Rinisibi as:

  
\_\_\_\_\_  
Esther S. Fleming  
Ispisiát Na Ayudánti Para I Atministrasion


6/21/13  
Fetcha

Pine'lu yan  
Ninota as:

  
\_\_\_\_\_  
Esther M. San Nicolas  
Rehistran Commonwealth

06.21.2013  
Fetcha

Sigun i 1 CMC § 2153(e) ( Inapruedan regulasion siha ni Abugádu Henerát na para u macho'gui kumu fotma) yan 1 CMC § 9104(a)(3) (hinentan inapruedan Abugádu Henerát) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma'aprueba kumu fotma yan sufisienti ligát ginin i CNMI Abugádu Henerát yan debi na u mapupblika, 1 CMC § 2153(f) (publikasion areklamentu yan regulasion siha).

  
\_\_\_\_\_  
JOEY P. SAN NICOLAS  
Abugádu Henerát

6/19/13  
Fetcha

**MEDICAL REFERRAL SERVICES**  
**RULES AND REGULATIONS GOVERNING THE**  
**ADMINISTRATION OF THE MEDICAL REFERRAL PROGRAM**

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## **INTRODUCTION**

The criteria and procedures established in these Rules and Regulations for patient medical referrals are designed to provide residents of the CNMI with a means of receiving medical care and treatment not available within the Commonwealth for conditions which are life threatening or involve acute neurology, vision or other possible permanent loss of function . By sending patients approved for medical referral to established referral health care facilities for extended medical care and specialties and procedures attainable for enhanced patient health. In establishing this Medical Referral Program, it is incumbent upon the CNMI Government to manage the Program's operations to ensure that the health care benefits afforded to residents of the CNMI are provided in a reasonable and equitable manner. It is therefore an objective of these Rules and Regulations to contain the costs of medical referrals by excluding unnecessary referrals, minimizing inappropriate lengths of stay at the referral health care facility, and establishing a cost-sharing mechanism with the patient. The procedures set forth below are essential to a cost-effective health care program.

### **I. MEDICAL REFERRAL PROGRAM**

**1.1** Title 140, Subchapter 140-10.7, as amended, of the Northern Marianas Administrative Code, and any emergency regulations, are hereby repealed, reenacted and superseded by the following Medical Referral Services Rules and Regulations.

**1.2** There is hereby established a Medical Referral Program within the Office of the Governor which shall facilitate the referral of patients to recognized referral health care facilities outside the CNMI for extended medical care as set forth in these Rules and Regulations. A list of recognized "referral health care facilities," as referenced throughout these Rules and Regulations is included as Appendix A hereto. Other medical facilities may be only considered if referred by a recognized facility or it specializes in a medical care of an approved patient condition. Financial assistance for medical care outside the CNMI, and related costs, shall be available as provided in these Rules and Regulations to the extent that funds for the program are appropriated by the CNMI Legislature. If in any fiscal year, appropriated funding for the Medical Referral Program is exhausted prior to the end of the fiscal year, the Medical Referral

Program shall cease operations until additional funding is appropriated or reprogrammed for its operations by the current administration.

## **II. Medical Referral Services (MRS)**

There is hereby established Medical Referral Services within the Office of the Governor, which shall be headed by a Medical Referral Services Director/Administrator appointed by the Governor. The duties and responsibilities of the Medical Referral Services shall include the following:

**2.1.** Assisting the patient's primary care physician to ensure that all necessary non-medical documentation is included with a patient's petition for medical referral prior to the patient's case being submitted to the Medical Referral Committee for review.

**2.2.** Making all arrangements for patient medical referral including verifying that sufficient funds exist to cover any medical referral costs chargeable to the Medical Referral Program, scheduling doctor appointments, arranging for air and ground transportation and accommodations.

**2.3.** Communicating with the other CNMI Referral, Liaison or other Representative Offices to verify and confirm arrangements for a patient's arrival or departure to/from the city where the referral health care facility is located and to obtain continuous updates on the medical status of referral patient.

**2.4** Maintaining records of the names of patients petitioning for medical referral; the patient's diagnosis; patient's approved and denied medical referral; the names of any escorts accompanying patient; the names of the referral health care facility physicians to whom patients are sent; the treatment to be provided to the patients and the costs associated with the medical referrals.

**2.5** Maintaining records of the names of patients including the following: the number of cases considered for medical referral within a fiscal year; the number of cases approved and disapproved; the medical justification for the referrals; the medical justification for the denied cases and the alternatives offered to the patients; the status of patients sent on medical referral; a financial analysis depicting cost based on the

medical treatment provided to patients; a summary of the type of cases approved for medical referral and of the treatment and care provided at the referral health care facility.

**2.6** Reviewing patient medical bills from the referral health care facility providers, verifying the validity of the medical bills and approving for payment those medical bills, which are the financial responsibility of the Medical Referral Program.

**2.7** Prepare Medical Referral Services annual budget for submission to the Office of the Governor.

**2.8** Performing other duties and responsibilities as assigned by the Office of the Governor.

### **III. MEDICAL REFERRAL COMMITTEE**

**3.1** **Composition.** There is hereby established a Medical Referral Committee, which shall be comprised of six (6) medical staff voting members appointed by the Chief Executive Officer of the Commonwealth Healthcare Corporation and licensed by the Health Care Professions Licensing Board. A minimum of four (4) of the voting members shall be clinically privileged Commonwealth Health Center (CHC) medical staff, who practice in various specialty areas. Remaining members may be appointed from private clinics. A representative from each of the following Healthcare Corporation divisions or units shall attend the Medical Referral Committee meetings to facilitate the medical referral process but shall not be voting members of the Committee: Social Services; Utilization Review; Medical Referral Services; Medicaid Office and Vocational Rehabilitation Services. Three (3) voting members must be present to establish a quorum and official business to be conducted. The Governor or his designee shall serve as an ex-officio member of the Committee.

**3.2** **Chairperson.** At the beginning of each fiscal year, the Medical Referral Committee shall elect a Chairperson from amongst the CHC medical staff voting members to serve for a one-year term. The Chairperson shall schedule regular meetings of the Medical Referral Committee and advise each voting member and non-

voting participant of the date and time of the meeting at least one week prior to the scheduled date of the meeting. The Chairperson may also call emergency Medical Referral Committee meetings whenever necessary or upon the request of the voting members of the Committee or the Governor.

**3.3 Case Review.** It shall be the sole responsibility of the Medical Referral Committee to screen and evaluate medical cases brought before the Committee on a petition for medical referral, including requests for additional patient treatment not initially authorized and requests from referral health care facility physicians to refer the patient to a second referral health care facility for additional care. After a complete case evaluation the Medical Referral Committee shall determine whether a referral for medical care is warranted.

**3.4 Final Decisions.** Decision of the Medical Referral Committee shall be final, except as provided in Section 6.4 of these Rules and Regulations. This is to ensure that medical referral decisions are based on the medical condition of the patient only.

**3.5 Review of Emergency Medical Referral Cases.** All medical referral cases approved on an emergency basis pursuant to Section 6.2 of these Rules and Regulations shall be reviewed by the Medical Referral Committee at the next regular meeting for assessment of whether the referral was justified. Any referral found to be unjustified by the Medical Referral Committee shall be treated as an unauthorized medical referral and an official notice of the committee's decision must be sent to the referring physician and a suspension of Emergency Approving Authority for the approving MRC Physician members three (3) months or earlier if reinstated by the committee.

**3.6 Modifications to These Rules and Regulations.** Prior to the end of each fiscal year or sooner if circumstances dictates, the Medical Referral Committee shall submit a list of recommended changes to the Medical Referral Program Rules and Regulations, if any, to the Governor.

**3.7 Approval of Reports.** The Medical Referral Committee shall approve all written and financial reports relating to Medical Referral Services before they are

submitted to the Governor or the Commonwealth Legislature, when practical.

#### **IV. Program Eligibility**

For a patient to be eligible for consideration for medical referral through Medical Referral Services each of the criteria set forth in Sections 4.1 and 4.2 must be satisfied:

##### **4.1 Medical Criteria**

(a) Referral must be for transfer to tertiary care or other hospital for higher level of care, acute urgent cardiac conditions, oncology evaluation and treatment, difficulties in access for hemodialysis or peritoneal dialysis including fistula malfunction or acute neurological emergencies, urgent/emergent urologic conditions and urgent pediatric conditions.

(b) The patient must be evaluated by a CNMI licensed physician, who is the primary care provider. Medical specialist visiting the CNMI to provide limited term health care services shall not initiate but may recommend a medical referral through the patient's primary physician.

(c) After a thorough diagnosis of the patient's case and full utilization of the resources available within the CNMI, including consideration of forthcoming visits by medical specialists the primary care physician must determine that the health care services required to satisfactorily treat the patient's illness or condition cannot adequately be provided within the CNMI.

(d) The patient's illness or condition including diagnosis and prognosis must substantiate the need for the medical referral. The primary care physician must be prepared to demonstrate to the Medical Referral Committee that the medical referral would significantly benefit the patient's health outcome.

##### **4.2 Residency Criteria**

(a)(1)The patient must be a United States Citizen, immediate relative of a



United States Citizen as determined under former CNMI immigration law, a long-term permanent resident as determined under former CNMI immigration law, or is an individual who is a legal permanent resident under United States immigration law; and (2) the patient is a bona fide resident of the CNMI at the time the patient submits a petition for medical referral.

**(b)** For purposes of these Rules and Regulations, “a bona fide resident” means a person who maintains an abode in the CNMI, with the intention of remaining permanently, or for an indefinite period of time legally, and who has maintained this abode for at least six months prior to the submission of a medical referral application.

**(c)** It shall be the responsibility of the patient or patient representative to demonstrate the criteria set forth in subsection (a) above to the satisfaction of the Medical Referral Services staff. In determining the residence of a patient, Medical Referral Services staff shall consider the patient’s overall situation in the CNMI, including but not limited to the following the following evidence:

- (i) Proof of citizenship or immigration status (e.g., birth certificate, passport, federal immigration documents, CNMI immigration documents, marriage or adoption certificates, etc.)
- (ii) Country of origin and the number of days spent in the CNMI each year;
- (ii) Employment history;
- (iii) Enrollment in a CNMI school;
- (iv) Possession of a valid CNMI driver license;
- (v) Registration as a CNMI voter
- (vi) Public utilities billings under patient’s name
- (vii) CNMI postal address under patient’s name;
- (viii) Whether a CNMI Territorial Personal Income Tax Return form 1040-CM and form W-2CM Wage and Tax Statement was filed with the division of revenue and tax, department of finance for

prior years;

- (iv) Enrollment in CNMI welfare programs such as the Medicaid, WIC, Food Stamps or Low Income Housing Energy Assistance; and
- (x) Any other evidence indicative of residency within the CNMI as set forth under subsection (a).

#### **4.3. Persons Ineligible for Participation in the Program**

The following categories of persons are ineligible for participation in the Medical Referral Program;

- (a) Persons who are not the following: a United States Citizens, an immediate relative of a United States Citizen as determined under former CNMI immigration law, a long-term permanent resident as determined under former CNMI immigration law, or an individual who is a legal permanent resident under United States immigration law. (See Section 4.2(a)(1)).
- (b) Visiting or transient United States citizens;
- (c) Official CNMI students abroad;
- (d) CNMI residents residing abroad;
- (e) Persons who have entered the CNMI under tourist, work or student visas;
- (f) Persons who establish residency in the CNMI for the sole purpose of obtaining a medical referral;
- (g) Residents of the CNMI and their dependents who are traveling abroad;
- (h) Residents of the CNMI and/or their dependents who exercise their right to obtain medical care outside the CNMI government health care system and obtain medical care which has not been previously authorized by the Medical Referral Committee; and

- (i) Persons who have entered the CNMI or are residing in the CNMI in violation of Immigration laws.
- (j) Persons who refused treatment on prior referral for same medical diagnosis.

**V. The Medical Referral Program Covered Benefits**

Subject to the payment guidelines set forth in Section 11 of these Rules and Regulations, the Medical Referral Program provides for the following medical, ancillary costs, transportation, escort, and maintenance benefits for a patient authorized for a medical referral:

**5.1. Medical Costs**

(a) **Inpatient Medical Care.** Inpatient medical care at a referral health care facility for the following health care services:

- (i) Necessary admission to special units such as intensive care or coronary care;
- (ii) necessary admissions to the operating room and recovery room;
- (iii) anesthesia services;
- (iv) X-rays radiology services, and other such investigatory services;
- (v) radiation, chemo, physical, occupational and speech therapy;
- (vi) normal blood transfusions;
- (vii) laboratory tests;
- (viii) regular nursing care services;
- (ix) prescribed rehabilitative therapy;
- (x) medical supplies such as casts, surgical dressings and splints;
- (xi) drugs furnished by the referral health care facility during the

hospital stay;

- (xii) use of appliances such as wheelchairs;
- (xiii) a semiprivate room (2 to 4 beds to a room);
- (ix) all hospital meals, including those which require special preparation for particular diets.

**(b) Outpatient Care.** Outpatient medical care at a referral health care facility for the following health care services:

- (i) services in an emergency room or outpatient clinic, including ambulatory and surgical procedures;
- (ii) normal blood transfusions furnished to the patient on an out-patient basis;
- (iii) laboratory tests;
- (iv) X-rays, radiology services and other such investigatory services;
- (v) radiation, chemo, physical, occupational or speech therapy;
- (vi) medical supplies such as splints and casts;
- (vii) drugs and biological products which cannot be self-administered,

**(c) Professional Fees.** Fee's for professional health care services specifically authorized by the Medical Referral Committee in the Treatment Authorization form. Professional fees for health care services beyond those approved by the Medical Referral Committee, or for the health care services of medical specialists not listed in the Treatment Authorization Form, are not covered under the Medical Referral Program unless the written authorization of at least two members of the Medical Referral Committee is obtained prior to the rendering of such additional health care services in non-emergency situations.

## 5.2. Ancillary Costs.

(a) **Prescribed Drugs.** Drugs prescribed for the cure, mitigation, or prevention of disease, or for health maintenance if:

(i) Prescribed in writing by a licensed referral health care facility physician, or other referral health care facility licensed practitioner authorized to prescribe drugs under state law;

(ii) dispensed by a licensed pharmacist or licensed practitioner authorized to dispense drugs who records and maintains the written prescription in the pharmacy records; and

(iii) they cannot be dispensed without a prescription (i.e., over-the-counter drugs excluded).

(b) **Durable Medical Equipment.** Durable medical equipment provided by the referral health care facility which is essential for the management of the patient's condition during transfer to the CNMI. Examples of durable medical equipment covered by this subsection are portable oxygen equipment, cardiac monitoring equipment or mechanical ventilators. Such durable medical equipment provided to patients under the Medical Referral Program shall become the property of the Medical Referral Services and must be turned over by the patient after it is no longer needed. Patients who fail to deliver to Medical Referral Services any durable medical equipment provided to them by the referral health care facility after they are no longer using it shall be charged the replacement value for the equipment.

## 5.3 Transportation Costs

(a) **Air Transportation.** Medical Referral Services (MRS) to assist on the least expensive round trip air transportation on regular commercial airlines considering the patient's medical condition for travel to the referral recognized

health care facility (see Appendix A) as follows:

- (i) if patient individually earns over \$50,000 per annum or the joint household income exceed \$75,000, patient pays 100% of air transportation cost;
- (ii) if patient individually earns between \$25,000-\$50,000 per annum or joint household income is between \$37,500 - \$62,500, patient pays 50% and MRS 50% of air transportation cost;
- (iii) if patient individually earns below \$25,000 per annum or falls under the indigent level as a family unit, MRS pays 100% of air transportation cost;

Medical Referral Services shall only be responsible for air transportation up to the equivalent value of such cost for a medical referral to the State of Hawaii or actual location of referral, whichever is lower.

**(b) Ambulance Transportation.** The cost of medically necessary ambulance transportation for the medical referral patient from the Commonwealth Health Center to the Saipan International Airport; from the city airport in which the referral health care facility is located to the referral health care facility; transport to other health care facility for special treatment not available at designated health care facility and as otherwise approved by the Medical Referral Committee.

**5.4 Patient Escorts.** Medical personnel and/or one family member or close friend to serve as a patient escort in the following situations, as authorized by the Medical Referral Committee:

**(a) Physician, Nurse or Respiratory Therapist Escort.** The Medical Referral Committee, in conjunction with the patient's primary care physician, shall determine whether it is necessary for a physician escort, registered nurse escort, respiratory therapist escort or two of the above, to accompany the

patient to the referral health care facility to ensure adequate medical care in transit. The following guidelines shall be considered by the Medical Referral Committee and the primary care physician in deciding whether a medical escort is needed:

(i) Physician Escorts. A physician escort should accompany a medical referral patient whenever there is a high likelihood that the patient's medical condition could change during the transport and it may be necessary for the physician to make a diagnosis, stabilize the patient, or provide acute treatment for the patient.

(ii) Nurse Escorts. Any medical referral that has been approved by the Medical Referral Committee and that requires a nurse escort must utilize a Registered Nurse who holds a current Advance Cardiac Life Support (ACLS) certification. Patients requiring medical referrals and a nursing escort are in a medically compromised state and must be escorted by nurses capable of handling their medical needs apparent at the time of transport. These medical needs may include the insertion of an intravenous line, the addition of medication to an IV line, and the administration of narcotics. Per CHC's Position Descriptions, only registered nurses can perform the aforementioned functions. ACLS certification is mandated so that, in the event of an emergency, the registered nurse can provide care to any patient experiencing cardiac arrest. With ACLS certification, the registered nurse should be able to monitor cardiac rhythms, understand and administer appropriate medication, and provide shock treatment, provided proper instruments are available on the transporting vehicle, and the patient is stable and his or her medical condition is unlikely to change.

(iii) Respiratory Therapist Escort. A respiratory therapist escort should accompany a medical referral patient whenever the patient will require respiratory therapist services (e.g., patient in respiratory failure who requires a ventilator or other breathing assistance), and the patient is stable and his or her medical condition is unlikely to change.

(iv) The patients primary care physician in conjunction with the Director of Medical Affairs and the appropriate Nurse or Respiratory Therapist Supervisor, shall decide which members of the Commonwealth Health Center medical staff, nursing staff and/or respiratory therapist staff shall accompany the patient. In those cases where a physician, nurse, and/or respiratory therapist escort accompany the patient, it shall be such escort's responsibility to:

- (1) Assist and attend to the patient during the flight;
- (2) ensure that the patient's medical documents are turned over to the appropriate personnel from the referral health care facility; and
- (3) ensure that all medical instruments, pillows sheets, and other hospital supplies used during the medical transport are accounted for and returned to the Commonwealth Health Center and/or Medical Referral Services.

(v) Transport Fees for Physician, Nurse, and Respiratory Therapist Escorts. Physician, nurse, and/or respiratory therapist escorts accompanying the patient on the medical referral shall each be entitled to receive a lump sum transport fee, in lieu of a per diem allotment, for the first 24 hours of travel, based on the location to which the patient is being medically referred. The transport fee, which is intended to cover payment for any hotel accommodations and food required by the physician, nurse and/or respiratory therapist escorts during the transport, shall be based on the following schedule:

(1) Guam	\$175.00*
(2) Philippines	\$200.00*
(3) Hawaii	\$250.00*
(4) Japan	\$275.00*



*\*Same fees if originating from above destinations to CNMI.*

If, because of unavailability of seats on the airline, the physician, nurse and/or respiratory therapist escorts are unable to return to the CNMI within a 24 hour period, they shall then be entitled to receive the standard government per diem allotment for the hours following the first 24 hours of travel.

**(b) Family and Friend Escorts.**

(1) Pursuant to 1 CMC § 2199, a patient that is approved for medical referral outside of the CNMI is entitled to be escorted by one family member or friend. Medical Referral Services will provide the family or friend escort with One Hundred percent (100%) of the cost of the least expensive round trip air transportation accompanying patient and medically necessary ambulance transportation for accompanying the patient. Other costs for entitlements are as provided under these Rules and Regulations. (See 5.5(a)(iii).

(2) Unless specifically determined by the Medical Referral Committee to be unnecessary considering the limited resources available for other patients, the Medical Referral Committee shall approve one medically, physically and mentally fit family or friend escort for patient in those cases where the patient is unable to travel independently because of:

- (i) Physical disability, frailty, minor or age;
- (ii) psychiatric disability or mental deficiency;
- (iii) blindness or deafness;
- (iv) fecal or urinary incontinence requiring the patient to seek assistance to use the toilet;
- (v) the patients inability to feed himself or herself or to perform other activities of daily living; or

(vi) the strong possibility that the patient will die at the referral health care facility as a result of the severity of the illness or condition;

The Medical Referral Committee may approve one medically and physically fit family or friend escort for patient in those cases where the patient is unable to travel independently because of:

(iv) language barrier;

(viii) the patient has been admitted as an inpatient and will be undergoing major surgery which involves general anesthesia.

(c) If no medical escort accompanies the patient, it shall be the responsibility of the family or friend escort to perform those duties set forth in subsections 5.4(a)(iv)(1)-(3) above. Family escort is responsible to assist and represent the patient at all times if patient is medically not in the capacity to soundly make proper judgment. Family or friend escort must agree to the above requirements and to be available for the duration of the patient medical treatment and care.

(d) Pursuant to 1 CMC § 2199(c), a patient is not entitled to a family or friend escort if either the patient or the intended escort received or earned income of more than \$70,000 in the twelve (12) months immediately preceding the date of approval for medical referral.

## **5.5 Maintenance Costs**

(a) **Accommodations, Ground Transportation.** Medical Referral Services will only cover maintenance costs as provided in this subsection to the equivalent of such costs for referrals to the State of Hawaii or actual costs, whichever is less. Costs for accommodations and ground transportation are covered as follows:

- (i) In-Patient Referrals. Room and board for in-patients are provided through the referral health care facility.
- (ii) Out-Patient Referrals. Out-patients on medical referral shall receive reasonable accommodations not to exceed the contracted rate for the State of Hawaii, ground transportation not to exceed \$10.00 per appointment date where no actual ground transportation is provided by the CNMI government.
- (iii) Patient Escorts. Authorized family or friend escorts shall receive reasonable accommodations at CNMI government expense, except that whenever possible, the escort shall share a room with the medical referral patient. Authorized family or friend escorts shall be provided daily ground transportation allowance not to exceed \$10.00 depending on the actual distance of room accommodation location if outside the medical facility and no ground transportation is provided by the CNMI government.

(b) Right To Refuse Government Room and Board. Medical referral patients and authorized family or friend escorts have the right to refuse CNMI Government arranged accommodations. However, if a patient and/or family or friend escort make independent arrangements for accommodations, the CNMI government shall not be liable for any expenses incurred with respect to the accommodations during the medical referral.

## VI. PROCEDURES FOR MEDICAL REFERRAL

6.1 Non-Emergent Referral Cases. All non-emergent patient cases which may be appropriate for medical referral shall comply with the following procedures:

- (a) Physician Assessment. Once the patient's primary care physician has made a thorough evaluation of the patient's illness or medical condition and determined that the patient satisfies the medical criteria for medical referral as

provided in Section 4.1 of these Rules and Regulations, the primary care physician shall discuss the patient's case with the chairperson of the applicable medical department, or if the primary care physician is the chairperson then with another physician in the applicable medical department, to obtain a second opinion on whether the patient's case is appropriate for a petition for medical referral. If both physicians concur that the patient's case should be forwarded to the Medical Referral Committee for review, the primary care physician shall contact the appropriate physician specialist at a referral health care facility to discuss the patient's case and to assess the available treatment at the referral health care facility.

**(b) Medical Referral Documentation.** If, after a complete assessment of the patient's case as specified above in Section 6.1(a), the primary care physician determines that the patient's case is appropriate for a petition for medical referral, the primary care physician shall confirm with Medical Referral Services staff that the patient satisfies the eligibility criteria for medical referral set forth in Section 4.2 of these Rules and Regulations. If the patient is found to be eligible, the primary care physician shall obtain and attach any relevant laboratory and/or X-ray reports, and complete the following forms:

- (i) Patient Referral Record
- (ii) Air Travel Medical Form (must be signed by patient)
- (iii) Patient's History and Referral Note

The primary care physician shall make sure all forms listed above are properly completed with all required signatures, notes are transcribed and signed, other supporting reports, films and test results are attached before submitting to the Medical Referral Services.

**(c) Case Presentation.** The primary care physician shall present the patient's case to the Medical Referral Committee at the next regular Committee meeting. It shall be the responsibility of the primary care physician to present the

prepared documentation, explain the patient's illness or medical condition and why medical referral is appropriate and answer any questions raised by the Medical Referral Committee. The Committee may elect not to review any scheduled cases without the referring physician being present.

**(d) Medical Referral Committee Determination.** The Medical Referral Committee shall consider the primary care physician's presentation, review the documentation, assess whether the patient's condition can be adequately treated with the resources available within the CNMII and decide whether medical referral of the patient is warranted. The decision of the Medical Referral Committee shall be final, except as provided in Section 6.4. The Medical Referral Services Administrator shall promptly advise the primary care physician of the Medical Referral Committee's decision regarding the patient's case. The Medical Referral Services Administrator shall subsequently send written notice of the Medical Referral Committee's decision to the primary care physician for consultation with his/her patient.

**(e) Medical Referral Arrangements.** The primary care physician shall provide the Medical Referral Services staff with the time frame and method for transferring the patient to the referral health care facility. The Medical Referral Service in coordination with other MRS staff responsible for that area shall make all medical, travel, and accommodation arrangements in the city where the referral health care facility is located. The patient must have a confirmed appointment with the referral healthcare facility physician prior to departing the CNMI. Self arranged referral for an approved medical referral patients in accordance with the committee's approval condition are eligible for reimbursement subject to regular benefits allowed by the rules and regulations upon submission of all original supporting documents.

**(f) Execution of Medical Referral Authorization Documentation.** If the patient's case is approved for medical referral, two voting members of the medical referral committee shall sign the Patient Referral Record. After all arrangement is completed and confirmed, the Medical Treatment Authorization form must be completed, signed by the case worker and forwarded for approval

by the Director of Medical Referral Services for signature before the patient departs.

**(g) Documents To Be Prepared By Patient.** Prior to the patient's departure from the CNMI, the Medical Referral Service staff shall require the patient, or patient representative, to complete the following forms:

- (i) Applicable Release of Liability (four specific types)
- (ii) Medical Treatment Authorization
- (iii) Promissory Note (if applicable)
- (iv) Subrogation of Claims Form (if applicable)
- (v) Power of Attorney (when appropriate)
- (vi) Affidavit by Recipient of Assistance
- (vii) Indigent Medical Assistance Application (when applicable)
- (viii) Release of Medical Records
- (xiv) Indigent Eligibility Certification

**6.2 Emergency Referral Procedures.** In those cases where the primary care physician determines that the patient is in a critical medical condition and must receive emergency medical care which cannot adequately be provided in the CNMI, thereby justifying immediate evacuation of the patient to the referral health care facility, the following procedures shall be followed:

**(a) Expedited Approval.** The patient's primary care physician, after consultation and obtaining two of the voting Medical Referral Committee member's approval, may refer the patient without the case being reviewed by

the full Committee. The first approving Medical Referral Committee member must notify Medical Referral Services of the emergency situation to coordinate such referral with Medical Referral Services' counterpoint outside the CNMI and the referring physician.

**(b) Notice to Referral Health Care Facility.** The primary care physician shall contact the appropriate physician specialist or another available physician, at the referral health care facility to report the imminent patient referral and to discuss the clinical details of the patient's case. When required, the primary physician must also coordinate with Medical Referral Service staff for administrative approval at such facility.

**(c) Medical Referral Documentation.** The primary care physician shall prepare the forms required to be completed with all supporting documents attachment such as films, lab reports and others as set forth in Section 6.1(b).

**(d) Medical Referral Arrangements.** Medical Referral Service staff shall immediately contact the commercial airline's office or a travel agency to make the referral patient's travel arrangements. Copies of the CNMI government travel request and travel authorization shall be delivered to the commercial airline or travel agency as soon as possible. Medical Referral Service staff shall send a Travel Advisory to the Medical Referral Service Coordinator or Representative in the city where the referral health care facility is located to include the following; patient's name, sex, age, diagnosis, flight number, estimated time of arrival, and whether an ambulance stretcher, and/or other supportive devices required upon arrival. Any medical and/or family escort names must also be included on the travel advisory.

**(e) Funding Approval.** Travel Authorizations for patient emergency medical referral during non-working hours shall be executed by the Director of Medical Referral Services next business day following the emergency medical referral.

**(f) Medical Evacuation.** If an emergency medical referral is necessary and

commercial airline transportation is unavailable, the Director of Medical Referral Services or his designee, in his discretion, may contact the United States Coast Guard, Navy or Air Force on the Territory of Guam or the State of Hawaii. Before contacting any of the United States Armed Forces, the Director of Medical Referral Services or his designee must ensure that:

- (i) The medical case involves an immediate life-threatening situation;

and

- (ii) that there will be no commercial flight available for transport in the time period specified by the primary care physician for medical referral.

Once the Medical Referral Services Director or his designee contacts one of the divisions of the U.S. Armed Forces requesting assistance on a medical referral case, the primary care physician must be available to provide the Officer-In-Charge of the U.S. Armed Forces contacted, or Chief Military Medical Officer with the details of the medical case and the requirements for the evacuation. The Medical Referral Services Director or his designee, shall advise the Governor about the details of all emergency medical evacuation cases at the earliest reasonable time.

**6.3 Approval for Medical Referral:** All medical referrals to health care facilities outside the CNMI must receive prior approval from the Medical Referral Committee. An otherwise eligible person who is already receiving medical care at a CNMI Medical Referral Program approved facility/provider will not be disqualified from prospective or future medical referral benefits simply because he or she does not return to Saipan first. Instead, the Medical Referral Committee will evaluate the request at the point in time made as to prospective or future benefits only. Benefits will not be paid retroactively, i.e. for periods of time prior to application and Medical Referral Committee approval. No other eligibility or Medical Referral program requirements are affected by this change in the regulations. Prospective or future limited accommodation benefits may be authorized for self referral patients who otherwise



would be eligible under the medical referral program. The medical care to be delivered must meet all other medical referral standards, including but not limited to, that the medical care cannot be provided in the CNMI. A patient already on medical referral at a referral health facility may not be transferred to a second referral health care facility without the express authorization of the Medical Referral Committee, except in cases of emergencies. In all cases, the attending physician at the approved referral center/provider must communicate directly with the patient's CNMI attending physician.

**6.4 Denial of a Presented Referral Case.** If a patient's medical referral petition is denied by the Medical Referral Committee, the Director of Medical Referral Services shall inform the primary care physician of the Committee's decision in writing. If the referring physician is not satisfied with the committee's decision, he or she may submit the patient's case for reconsideration at the next Committee meeting, provided additional facts are added for discussion.

## **VII. EMERGENCY TRANSFERS FROM ROTA**

**7.1 Emergency Evacuation .** Notwithstanding Section 6.3 of these Rules and Regulations and because of the proximity to the Territory of Guam, Rota's resident physician after consultation with CHC's Emergency Department may request that such medical emergency case be evacuated directly to a Guam referral health care facility after getting an approval from a member of the Medical Referral Committee that the required medical services cannot be provided at the Commonwealth Health Center. The Rota Resident Physician must coordinate with a receiving physician at the receiving facility on the patient's clinical information and fax completed required referral documents to MRS Saipan office. The approving Medical Referral Committee member must notify Medical Referral Services of the emergency situation to coordinate such referral with Medical Referral Services' counterpart on Guam and the referring physician.

**7.2 Authority To Transfer.** Only a CNMI licensed physician, or in the absence of a CNMI licensed physician, another licensed medical professional authorized by the Director of the Rota Health Center can make medical transfer decisions after

consultation with the CHC Emergency Department. No other individual, regardless of office or title, may authorize the transfer of a patient from Rota.

**7.3 Responsibility For Payment of Medical Care.** Residents of Rota, Tinian, Saipan, and the Northern Islands are equally responsible for the payment of medical bills they incur for medical services rendered to them. All medical bills incurred while patient is at the referred emergency facility on Guam that are not covered by health care financial support or a third-party payer, shall be the financial responsibility of the patients.

## **VIII. FOLLOW-UP MEDICAL APPOINTMENTS**

Medical referral patients are not automatically entitled to a follow-up medical appointment at a referral health care facility. Patient petitions for follow-up appointments shall be treated the same as initial petitions for medical referral, and shall be subject to the same standards and procedures as an initial medical referral. Patients may be allowed one follow up medical appointment after medical procedures or completion of treatment upon the committee's review and approval of new submission with updated information.

## **IX. MEDICAL REFERRAL PROGRAM EXCLUSIONS**

The following charges shall be excluded from coverage under the Medical Referral Program, and shall be the financial responsibility of the patient unless the Medical Referral Committee confirms the medical condition of the patient is severe and life threatening:

**9.1** Any charges related to medical treatment or care which could have been adequately provided at the Commonwealth Health Center.

**9.2** Any charges for occupational diseases or injury that are covered by workmen's compensation benefits.

**9.3** Any charges incurred at a Veterans Administration facility except in emergency situations.

**9.4** Any charges related to health care services provided by a government-funded public health program.

**9.5** Any charges incurred for personal comfort items, including telephone, radios, private housing accommodations, movie and car rental or hospital room or amenities upgrades and special order meals.

**9.6** Any charges related to nursing home-type care provided by an institution not qualified as a hospital under state law.

**9.7** Any charges related to cosmetic surgery except as required for repair of catastrophic injury or congenital malformation.

**9.8** All medical charges related to organ, bone marrow to include stem cell transplant surgery. Medical Referral Services may only assist on maintenance costs if block rooms and ground transportation are available at designated location.

**9.9** Orthopedic procedure including back surgery, knee/hip replacement, bone extension or other elective procedures

**9.10** Dermatology, Rheumatology and Endocrinology evaluation and consultation.

**9.11** Any charges related to a patient obtaining a second opinion on a recommended treatment or procedure.

**9.12** Any charges related to medical treatment, rendered for investigatory or experimental purposes, or medical treatment for which there is no established benefit to the patient's health.

**9.13** Any charges for medical care not authorized by the Medical Referral Committee or charges for medical care provided by a facility or provider other than a recognized

referral health care facility.

**9.14** Any charges related to tertiary, palliative care or services that may be identified by the Medical Referral Committee as so expensive as to impact the overall financial integrity of the Medical Referral Program.

**9.15** Any charges in excess of lifetime limit as specified by Section 11.4

**9.16** Persons who refused treatment on prior referral for same medical diagnosis.

## **X. HUMANITARIAN AND EMERGENCY PROVISIONS**

In the event a person who would be ineligible for medical referral pursuant to Section 4.2 of these Rules and Regulations is found by his or her primary care physician to require an emergency medical referral, the Medical Referral Committee may authorize Medical Referral Service to assist with the arrangements for medical care to be provided outside the CNMI. However, such patient or responsible party shall be required to pay a flat fee of \$250.00 for logistical costs or other related costs incurred by the Medical Referral Services plus \$25.00 per hour if emergency medical evacuation is required.

## **XI. REFERRAL FEES**

**11.1 Payment of Medical Referral Costs.** Medical Referral Services is the payer of last resort. Prior to departing the CNMI, every patient approved for medical referral or patient representative, shall provide the Medical Referral Service staff with proof of any and all health care financial support and/or third-party payers, such as a health insurance identification card, Medicaid identification card, or Medicare claim card, that are responsible for providing financial coverage for the costs associated with the patient's medical referral. Medical referral patients, or their representative, shall also execute a subrogation of claims form prior to their departure from the CNMI, authorizing the Medical Referral Service, through the Office of the Attorney General, to pursue any legal claims on behalf of the patient against third parties who may be liable for payment of the medical referral costs,

Medical Referral Service shall presume that the following entities or individuals are responsible for the costs associated with the patient's medical referral:

**(a) Recipients of Benefits from Medicaid, Medicare Vocational Rehabilitation or Other Government Assistance Programs:** 100% of the program coverage for the medical, ancillary, transportation, escort, and maintenance costs incurred in connection with the patient's medical referral shall be paid by the appropriate Federal and/or CNMI government program. Air transportation for federal program recipients is covered up to the States of California, Oregon and Washington. Any amount not covered by the government program shall be the patient's financial responsibility, except as provided in Section 11.1(f).

**(b) Health Care Insurance:** 100% of policy limit coverage for medical, ancillary, transportation, escort, and maintenance costs incurred in connection with the patient's medical referral as provided pursuant to the terms and conditions of the patient's health care insurance policy shall be paid by the insurance company (including HMO's and PPO's). If a patient's health care insurance policy does not cover air transportation costs to the referral health care facility and maintenance costs, the Medical Referral Program shall pay these costs as provided in Sections 5.3 and 5.5 of those Rules and Regulations. Except that in those cases where an insurance company prefers to make independent arrangements for its members' medical referral, the Medical Referral Program shall only be responsible for air transportation and maintenance costs up to the equivalent level of such cost for a medical referral to the State of Hawaii. Any amount not covered by the patient's health care insurance policy or this subsection shall be the patient's financial responsibility, except as provided in Section 11.1(f).

**(c) Nonresident Worker Health Medical Coverage.** The patient, employer of record or other responsible party shall be 100% responsible for all expenses incurred in connection with the patient's medical referral. Medical Referral Services will only assist in coordination and logistics and will do so at a flat fee of \$250.00 plus \$25.00 per hour if emergency medical evacuation is required.

**(d) Third Party Acts Against A Patient.** The Medical Referral Service Office, with the assistance of the medical referral patient, shall use its best efforts to collect the costs incurred in connection with the patient's medical referral from any of the following:

- (i) any third-party found guilty of a physical crime against the patient which resulted in the patient's need for medical referral;
- (ii) any third-party tortfeasor whose actions injured the patient and resulted in the patient's need for medical referral; or
- (iii) such third-party's insurance company.

**(e) No Responsible Third-Party Payer.** 100% of the medical, ancillary and escort costs incurred in connection with the patient's medical referral shall be the patient's financial responsibility, or if the patient is a minor, then the financial responsibility of a chargeable adult, except as provided in Section 11.1(f). The Medical Referral Program shall pay the air transportation costs to the referral health care facility and maintenance costs, as provided in Sections 5.3 and 5.5 of these Rules and Regulations.

**(f) Exceptions For Indigent Patients.** Medical Referral Services shall pay the applicable percentage of the medical referral costs for which an indigent patient is personally liable whenever the patient is able to establish to the satisfaction of the Medical Referral Service staff that he or she falls within the indigent standards set forth below:

- (i) The Medical Referral Program shall pay 100% of the medical and ancillary costs, and 100% of the transportation, family/friend escort, and maintenance costs associated with the medical referral for those patients whose family gross income from all sources falls within the following levels:

<u>Family Size*</u>	<u>Maximum Annual Income<sup>1</sup></u>
1	\$16,075
2	\$ 21,762
3	\$ 27,450
4	\$ 33,137
5	\$ 38,825
6	\$ 44,512
7	\$ 50,200

**\*For family units of more than 7 members, add \$4,3950 for each additional member.**

(ii) The Medical Referral Program shall pay 75% of the medical and ancillary costs, and 100% of the transportation, family/friend escort, and maintenance costs associated with the medical referral for those patients whose family gross income from all sources falls within the following levels:

<u>Family Size*</u>	<u>Maximum Annual Income<sup>1</sup></u>
1	\$ 19,290
2	\$ 25,115
3	\$ 32,940
4	\$ 39,765
5	\$ 46,590
6	\$ 53,415
7	\$ 60,240

**\*For family units of more than 7 members, add \$9,030 for each additional member.**

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<sup>1</sup> Maximum annual income levels are based on 125% & 150% respectively of the 2012 Poverty Level Guidelines for the State of Hawaii as measured by the Consumer Price Index, and are the levels published in the Federal Register in January 26, 20012 (volume 77, number17) by the Secretary of the Department of Health & Human Services, centers for Medicaid and Medicare Services pursuant to the Omnibus budget Reconciliation Act (OBRA) of 1981, §652 and §673(2),

(iii) Any amount not covered by the Medical Referral Program shall be the financial responsibility of the patient or responsible party for minor patient.

(iv) The patient or patient representative, shall have the burden of providing the Medical Referral Office staff with verifiable documentation regarding the patient and the patients family unit, (such as filed family income tax returns, wage and salary forms for employed family members, and applications for family enrollment in public assistance programs), that establish that the patient and the patient's family unit fall within the indigent levels set forth above, and that the patient is thus eligible for financial assistance through the Medical Referral Program. The Medical Referral Service staff shall include the documentation provided by the patient to establish indigent eligibility in the patient's medical referral file. Medical Referral Service shall be prepared to demonstrate to the Governor, and/or the Legislature, upon request, that the patient satisfactorily established that he or she was Indigent, and required financial support to pay the medical referral cost.

**11.2 Assignment of Rights.** Every patient approved for medical referral shall assign any and all rights he or she may have to health care financial support or other third-party payments to the Medical Referral Services office up to the amount of the medical referral costs, and shall use his or her best efforts to secure such financial assistance for the entire medical referral costs. If, at any time, a medical referral patient receives a direct reimbursement from an insurance company or other third-party payer for medical bills arising from an authorized medical referral, such patient shall immediately endorse such payment to Medical Referral Service for deposit in the Medical Referral Program account.

**11.3 Utilization Review.**

(a) All medical bills incurred by a patient at the referral health care facility shall be subject to utilization review by the appropriate Medical Referral



Services staff or contracted personnel. In those cases where a patient is referred to a referral health care facility in the State of Hawaii, it shall be the primary responsibility of the utilization review personnel employed by the Medical Referral Service to review the medical treatment and care provided to the patient, and to audit the medical bills prior to their payment by Medical Referral Service.

**(b)** If, during utilization review it is determined that:

(i) A patient is receiving, or has received, health care services which are unnecessary or are unauthorized by the Medical Referral Committee;

(ii) the patient's stay in the hospital has been unnecessarily extended;

(iii) irregularities or inconsistencies exist in the patient's medical bills;

or

(iv) there are other factors regarding patient care which may compromise the financial integrity or managed health care policy of the Medical Referral Program, such personnel or nurse performing the utilization review shall immediately notify Director of Medical Referral Services in writing of the situation.

The Medical Referral Administrator shall promptly notify the referral health care facility in writing about the conclusions reached in the utilization review report regarding the specific charges for unauthorized or inappropriate services and advise the facility that the Medical Referral Program shall not be responsible for such charges.

**11.4 Lifetime Cap.** The Medical Referral Program shall pay expenses incurred for medical referral up to a lifetime limit of Fifty Thousand Dollars (\$50,000.00) per eligible patient. Transportation and maintenance costs for the referral patient and their escort,

shall not be included in the calculation of the patient's total lifetime limit of Fifty Thousand Dollars. Any medical expense in excess of the lifetime limit shall be the patient's full responsibility. Medical Referral Services (MRS) shall only assist on applicable air transportation and maintenance cost for patient's future referral. Any medical estimate or expense shall solely be the patient's responsibility. MRS must verify patients ability to pay estimate medical expenses prior to issuance of MTA and travel authorization.

## **XII. LIMITED GOVERNMENT LIABILITY**

**12.1. Statutory Exemption.** As provided in 7CMC §2204(d) of the Commonwealth Code, the CNMI Government shall not be liable for any claim arising from the Medical Referral Committees denial of or failure to make, a medical referral to a medical facility outside the CNMI.

**12.2. Medical Referral Program Not Responsible For Unauthorized Services.** The Medical Referral Program shall not be responsible for the medical, ancillary, transportation, escort or maintenance costs incurred by a patient whose off-island medical care was not authorized by the Medical Referral committee. Similarly, the Medical Referral Program shall not be responsible for the post of medical or health care services rendered to a patient at a health care facility or by a health care provider recognized by the Medical Referral Committee.

## **XIII. PENALTIES FOR VIOLATIONS OF THESE RULES AND REGULATIONS**

Any person found by the Department of Public Health to have violated these Rules and Regulations shall be liable for either;

- (a) A civil penalty of up to \$1,000.00; or
- (b) The costs incurred by the Medical Referral Program as a result of the violation whichever is greater, and court costs and attorneys fees incurred by the CNMI government in collecting such penalty incurred costs, for each violation of the Rules and Regulations.

**XIV. Severability**

If any provision of these Rules and Regulations 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 these Rules and Regulations or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

## Appendix A

For purposes of these Rules and Regulations, the following health care facilities, and those health care providers and ancillary care providers associated with those facilities, shall be recognized referral health care facilities for medical referral patients from the CNMI:

### TERRITORY OF GUAM

Cancer Center of Guam  
Dededo Polymedic Clinic  
Dr. Byungsoo Kim  
Good Samaritan Clinic  
Guam Memorial Hospital  
Guam Pacific Medical Clinic  
Guam Seventh Day Adventist Clinic  
Guam Eye Clinic  
Guam Medical Imaging Center  
Guam Public Medical Clinic  
Guam Radiology Consultants  
Guam Pacific Medical Group  
Guam Surgi Center  
Guam Surgical Group  
Hafa Adai Specialist  
Island Eye Center  
Island Surgical Center  
Island Cancer Center  
Naval Hospital Guam  
Pacific Medical Group  
Pacific Hand Surgery Center/Otho  
Ass.  
Pacific Surgical Arts

### STATE OF CALIFORNIA

Anaheim Memorial Hospital  
California Pacific Medical Center\*  
Children's Hospital of Los Angeles  
Good Samaritan Hospital, Los  
Angeles  
Rady Children's Hospital(San Diego)\*  
UCSD  
UCSF  
UCLA

### STATE OF HAWAII

Cancer Institute of Maui  
Castle Medical Center  
Hawaii Medical Center (St. Francis)  
Kahi Mohala (mental Health)  
Kapiolani Medical Center\* (PIMS)  
Kaukini Medical Center  
Pacific Cardiology  
Queens Medical Center  
Renal Treatment Center  
Rehabilitation Hospital of the Pacific  
Shriner's Hospital For Crippled Children  
Straub Clinic and Hospital (PIMS)  
Tripler Army Medical Center

### REPUBLIC OF THE PHILIPPINES

Asian Hospital and Medical Center  
Makati Medical Center  
Medical City Hospital  
Philippine General Hospital  
Saint Luke's Medical Center

### STATE OF TEXAS

The Brown Schools of Central Texas\*  
(San Marcos Treatment Center,  
Health Care Rehabilitation Center, etc.  
MD Anderson Cancer Center

### JAPAN

Aichi Children's Hospital\*  
Fukushima Memorial Hospital\*  
Nagoya City University Hospital

\*Referral to these referral health care facilities shall be authorized only for infant heart surgery, kidney transplant, or other highly sophisticated surgical procedures as substantiated and approved by the Medical Referral Committee



Commonwealth of the Northern Mariana Islands  
BOARD OF PROFESSIONAL LICENSING  
P.O. Box 502078, #1242 Pohnpei Court  
Capitol Hill, Saipan, MP 96950  
Tel No: (670)664-4809 Fax: (670)664-4814  
Email: [bpl@pticom.com](mailto:bpl@pticom.com)

**NOTICE OF PROPOSED AMENDMENTS TO THE  
BOARD OF PROFESSIONAL LICENSING ADMINISTRATIVE  
REGULATIONS FOR PRACTICE AND PROCEDURES**

**INTENDED ACTION TO ADOPT THESE PROPOSED REGULATIONS:** The Board of Professional Licensing (BPL) intends to adopt as permanent regulations the attached Proposed Regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The regulations would become effective 10 days after compliance with 1 CMC §§ 9102 and 9104(a) or (b) (1 CMC §9105(b)).

**AUTHORITY:** The Board of Professional Licensing has statutory power to promulgate and effect regulations pursuant to P.L. 14-95 and 1739, as amended.

**THE TERMS AND SUBSTANCE:** The BPL must amend the regulations to be consistent with P.L. 17-39 "Board of Professional Licensing Amendments Act of 2010" which was signed into law by the Governor on April 21, 2011.

**THE SUBJECTS AND ISSUES INVOLVED:** These rules and regulations shall supersede the prior regulations §125-10, NMIAC Title 125, published at Vol. 21, No. 10 (10/15/99) and adopted at Vol. 21, No. 12 (12/15/99) of the Commonwealth Register.

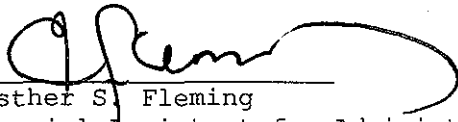
**DIRECTIONS FOR FILING AND PUBLICATION:** The Board is soliciting comments regarding these proposed amendments which must be received by the Board within thirty (30) days of first publication of this notice in the Commonwealth Register. Interested persons may request copies of the proposed amendments by contacting us at 664-4809 or by email at [bpl@pticom.com](mailto:bpl@pticom.com) or come by our office located at Bldg. 1242, Pohnpei Ct., Capitol Hill, Saipan. Written comments on these amendments should be drop off at our office or sent to the BPL, P.O. Box 502078, Saipan, MP 96950.

Submitted By:

*Roman Demapan*  
Roman S. Demapan  
BPL Chairman

*4-22-2013*  
Date

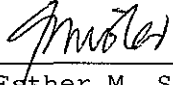
Received By:

  
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Esther S. Fleming  
Special Assistant for Administration

4/30/13

Date


Filed and Recorded By:

  
\_\_\_\_\_  
Esther M. San Nicolas  
Commonwealth Register

05.20.2013

Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a) (3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published, 1 CMC § 2153(f) (publication of rules and regulations).

  
\_\_\_\_\_  
JOEY P. SAN NICOLAS  
Attorney General

4/26/13

Date

**Commonwealth gi Sangkattan na Islan Marianas Siha**

**KUETPUN PROFESUTNÁT MANLISENSIA**

P.O. Box 502078, #1242 Pohnpei Court

Capitol Hill, Saipan, MP 96950-1247

Tel: No. (670) 664-4809 Fax No: (670) 664-4814

E-mail: [bpl@pticom.com](mailto:bpl@pticom.com)

**NUTISIA PUT I MANMAPROPONI NA AMENDASION SIHA PARA I  
KUETPUN PROFESUTNÁT MANLISENSIAN GI ADMINISTRATIVE NA REGULASION PARA I  
MAPRAKTIKA YAN MANERASIHA**

**I AKSION NI MA'INTENSIONA NA PARA U MA'ADÁPTA ESTI I MANMAPROPONI NA**

**REGULASION SIHA:** I Kuetpun Profesutnát Manlisensia (BPL) ha intensiona na para u adápta kumu petmanenti na regulasion siha ni mañechettun i Manmapropo ni na Regulasion siha, sigun gi manera siha gi Áktun i Administrative Procedure, 1 CMC § 9104 (a). I Regulasion siha para u ifektibu gi dies(10) diha siha dispues di makumpli i 1 CMC §§ 9102 yan i 9104 (a) pat i (b) (1 CMC §9105 (b)).

**ÁTURIDÁT:** I Kuetpun Profesutnát Manlisensia gai áturidát ni para u cho'gui yan u ifektibu i regulasion siha sigun gi Lai Pubblica 14-95, yan 1739, kumu ma'amenda.

**ITEMA YAN SUSTÁNSIAN I PALÁBRA SIHA:** I BPL debi na u amenda i regulasion siha ni para u afakcha' i Lai Pubblica 17 - 39 gi "Áktun i 2010 gi Kuetpun Profesunát Manlisensia na Amendasion siha" ni mafitma n alai ni ginin i Gubietnu gi Abrit 21, 2011.

**SUHETU NI MASUMÁRIA YAN ASUNTU NI TINEKKA SIHA:** Esti na areklamentu yan regulasion siha debi na u supercede ántis di regulasion siha §125-10, NMIAC Titulu 125, ni mapupblika gi Baluma 21, Numiru 10 gi (10/15/99) yan ma'adápta gi Baluma 21, Numiru 12 gi (12/15/99) gi Rehistran Commonwealth.

**DIREKSION PARA U MAPO'LU YAN MAPUPBLIKA:** I Kuetpu mamamaisin upiñon siha sigun gi esti i manmapropo ni na amendasion siha ni debi na u maresibi ginin i Kuetpu gi halum i trenta(30) dihas gi finene'na na publikasion esti na nutisia gi halum i Rehistran Commonwealth. Maseha háyi na petsona manintiresão manmamaisin kopia siha gi i manmapropo ni na amendasion á'agang ham gi 664-4809 pat i email gi [bpl@pticom.com](mailto:bpl@pticom.com) pat fáfattu gi ufisinan-mâmi ni gaigi gi Bldg. 1242, Pohnpei Ct., Capito Hill, Saipan. Tinigi' upiñon put esti na amendasion siha debi na u machuli' gi ufisinan-mâmi pat na'hânão para i BPL, P. O. Box 502078, Saipan, MP 96950.

Nina'hálum as:



Roman S. Demapan  
Kabesityu, BPL

4.22.2013

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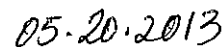
  
ESTHER S. FLEMING  
Ispisiát Na Ayudánti Para l Atministrasion



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Pine'lu yan Rinekot as:

  
ESTHER M. SAN NICOLAS  
Rehistran Commonwealth

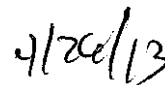


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Sigun i 1 CMC § 2153(e) ( l Abugádu Henerát ha aprueba i regulasion siha na para u macho'gui kumu fotma) yan 1 CMC § 9104(a) (3) (ahentan inaprueban Abugádu Henerát) i manmaproponi na Regulasion siha ni mañechettun guini ni manmarebisa yan manma'aprueba kumu fotma yan sufisienti ligát ginin i CNMI Abugádu Henerát yan debi na u mapublika, 1 CMC § 2153(f) (puplikasion i areklamentu yan regulasion siha).



JOEY P. SAN NICOLAS  
Abugádu Henerát



Fetcha

Commonwealth of the Northern Mariana Islands  
HEALTH CARE PROFESSIONS LICENSING BOARD  
P.O. Box. 502078, #1242 Pohnpei Court  
Capital Hill, Saipan, MP 96950  
Tel No: (670)664-4809 Fax: (670)664-4814  
Email: [bpl@pticom.com](mailto:bpl@pticom.com)

**ARONG REEL POMWOL AMENDÁ NGÁLI BOARD OF PROFESSIONAL LICENSING  
ADMINISTRATIVE REGULATIONS REEL ANGANGAL ME MWÓGHUTUGHUT**

**MÁNGEMÁNGIL MWÓGHUT YEEL BWE EBWE ADAPTÁALI POMMWOL ATIWLIGH KKAAL:**

Board il Professions Licensing (BPL) emuschel ebwe adaptáali me aleshú ló atiwlich kka e appasch bwe Proposed Regulations, sáangi mwóghutughutul Administrative Procedure Act, 1 CMC § 9104(a). Atiwlich kka ebwe bwunguló 10 ráal mwiril e atabwey alleghul 1 CMC §§ 9102 me 9104(a)me ngare (b) (1 CMC §9105(b)).

**BWÁNGIL:** Board il Professions Licensing nge eyoor bwángil ebwe akkaté allégh kkaal me ghitipwotchuw allégh kkaal bwelle reel P.L. 14-95 me 1793, igha e amenda.

**KKAPASAL ME AWEWEEL:** BPL ebwe amendá li Atiwlich kkaal reel ebwe wewe ngali P.L. 17-39"Board of Professional Licensing Amendments Act of 2010"igha re fitma li bwe eew alégh reel Governor wóól Abrid 21, 2011.

**KKAPASAL ME ÓUTOL:** Atiwlich kkaal ebwe liweli atiwlich kkewe mwal §125-10, NMIAC Title 125, published Vol. 121, No. 10 (10/15/99) me e adapta lól Vol. 21, No. 12 (12/15/99) Reel Commonwealth Register.

**AFALA REEL AMWELIL ME ARONGOWOWUL:** Board ekke tittingor mángemángiir toulap reel pomwol lliwel kkal iye rebwe bwughil llól eliigh ráal ngare schagh aa akkatééló llól Commonwealth Register. Schóó kka re remuschal copy-il pomwol amenda kkal emwel rebwe faingi numero ye 664-4809 me ngare email [bpl@pticom.com](mailto:bpl@pticom.com) me ngare mweteló reel bwulasiyo Bldg 1242, Pohnpei Ct., Capital Hill, Seipel. Ischil mángemáng ebwe isisilong llól bwulasiyo me ngare afanga ngali BPL, P.O. Box 502078, Seipél, MP 96950.

Isáliyalong: Roman Demapan  
Roman S. Demapan  
BPL Chairman

4.22.13  
Ráil

Mwir Sángi: Esther S. Fleming  
Esther S. Fleming  
Special Assistant for Administration

5/16/13  
Ráil

Amwel Sángi: Esther M. San Nicolas  
Esther M. San Nicolas  
Commonwealth Register

05-20-2013  
Ráil

Sángi 1 CMC § 2153(e) Allégh kkaal a lléghló sángi AG bwe e fil reel fféerúúl me 1 CMC §9104(a)(3)(mwiir sángi AG)Pomwol atiwligh kkal a appaschlong a takkal amwuri fiischiy, me angúungú ló fféerúl me legal sufficiency sángi CNMI Attorney General me ebwele akkatewoow, 1 CMC §2153(f) (Arongowowul allégh me atiwligh kkaal,

Joey P. San Nicolas  
Joey P. San Nicolas  
Attorney General

4/26/13  
Ráil

ADMINISTRATIVE REGULATIONS FOR PRACTICE & PROCEDURES  
OF THE BOARD OF PROFESSIONAL LICENSING  
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

PART 1. ESTABLISHMENT

- 1.1 Establishment. The Board of Professional Licensing (hereafter the "Boârd") is a regulatory agency of the executive branch of the CNMI government established by law (4 CMC 3101).

*Section 2.1 Mission Statement of the Regulations for Practice and Procedures of the Board of Professional Licensing or Section (b), (d) of 125-10-005 of 125-10, NMIAC Title 125.*

PART II. MISSION STATEMENT

- 2.1 The mission of the Board is to protect the public's health, safety, and welfare through the regulation of the practice of engineering, architecture, land surveying, landscape architecture, and real property appraisal by:

- \* Ensuring that those entering the practice are Professionals that meet minimum standards of competency by way of education, experience, and examination;
- \* Requiring that any person practicing or offering to practice Professional engineering, architecture, land surveying, land surveying, landscape architecture, or real property appraisal in the CNMI is licensed;
- \* Establishing standards of practice for those licensed to practice;
- \* Enforcing the laws, rules and regulations, and standards governing the Professional engineering, architecture, land surveying, landscape architecture, and real property appraisal professions; and
- \* Providing consumers appropriate public information they need to make informed choices for procuring Professional engineering, architecture, land surveying, landscape architecture, or real property appraisal services.

*Sections 3.1,3.2,3.3,3.4,3.5,3.6,3.7,3.8 Board Members of the Regulations for Practice and Procedures of the Board of Professional Licensing or Section 125-10-101 of 125-10, NMIAC Title 125.*

PART III. BOARD MEMBERS

- 3.1 Composition. The Board is composed of five members appointed by the Governor with the advice and consent of the Senate. One member shall be from Tinian, one member shall be from Rota and three members shall be from Saipan. Of the five members, at least one member shall be a woman and three members shall be from the professional fields as set forth by law.
- 3.2 Qualifications. Each member shall have been a resident of the Commonwealth for at least three years. A member practicing the

profession shall have been engaged in the practice of the member's profession for at least five years immediately preceding the date of the member's appointment and is also licensed to practice the profession in the Commonwealth. The public member(s) of the Board shall not be or have been a Professional engineer, architect, land surveyor, landscape architect, or real property appraiser.

- 3.3 Tenure. The members of the Board shall serve for six years. No member may serve more than two (2) consecutive six-year terms. In the event of a vacancy on the Board for reason resulting in an unexpired term and the governor has failed to appoint a successor within three (3) months after the vacancy occurs, the Board may appoint a provisional member to serve in the interim until the governor makes an appointment.
- 3.4 Quorums; Voting. Three members are necessary to make a quorum of the Board and a concurrence of a majority of the quorum shall be necessary to constitute approval of those matters needing approval of the Board.
- 3.5 Compensation. Members of the Board shall serve without pay but shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties.
- 3.6 Resignation of Member. A Member of the Board who desires to resign from membership shall do so in writing, addressed to the Board. The subject of the resignation shall be placed upon the agenda for the next regular meeting of the Board, at which meeting the Board shall act upon the resignation. If the Board accepts the resignation, the Chairperson shall contact the Governor in writing, to inform him of the vacancy and request appointment of a new member to serve for the balance of the unexpired term of the resigned member.
- 3.7 Jurisdiction. Notwithstanding any other provision of P.L. 14-95 and 17-39, the Board's power, authority, and jurisdiction shall extend to persons engaging in the professions regulated by the Board, including but not limited to non-licensees and persons offering their own services or the services of their employees or agents.
- 3.8 Liability. No member of the Board and no member of the Board's staff shall be held liable for action or inaction attributable to the lawful exercise of their responsibilities under the law and the rules and regulations.

*Part IV of the Regulations for Practice and Procedures of the Board of Professional Licensing or Section 125-10-105 of 125-10, NMIAC Title 125.*

#### PART IV. POWERS, DUTIES AND AUTHORITY

- 4.1 The Board shall have the power, jurisdiction and authority to:  
(1) Adopt and amend all bylaws, regulations, rules of procedures not inconsistent with the constitution and laws of the Commonwealth and P.L. 14-95 and 17-39, including the adoption and promulgation of the Rules of Professional Conduct for architects, engineers, land surveyors, and landscape architects, which shall be binding upon persons licensed under the law and the regulations and which shall be applicable to partnerships and corporations holding a Certificate of Authorization, which is necessary for the proper performance of its

- duties and the regulations of its procedures, meetings, records, examinations and the conduct thereof;
- (2) Enforce the law, rules and regulations adopted pursuant thereto;
  - (3) Adopt and have an official seal, which shall be affixed to each license or certificate issued;
  - (4) Apply for relief by injunction in the Superior Court, without bond, to enforce the provisions of the law, or to restrain any violation thereof. In such proceedings, it shall not be necessary to allege or prove, either that an adequate remedy at law does not exist, or that substantial or irreparable damage would result from the continued violation thereof. The members of the Board shall not be personally liable under these proceedings;
  - (5) Issue or deny licenses, including temporary, provisional, conditional and limited licenses;
  - (6) Conducts investigations and hearings;
  - (7) Discipline, including: refuse to issue or renew, fine; reprimand; suspend; revoke; place on probation; require payment of fees, charges, or expenses; levy fines; and place conditions on granting or renewal of a license;
  - (8) Settle disciplinary and other contested matters, consistent with the policy of the law and/or the regulations;
  - (9) Work with and secure from professional, governmental, and other organizations the following services and goods: receipt and review of applications; investigations; development of standards; development, administration and review of examinations; and/or other goods and services related to the Board's duties;
  - (10) Join and maintain memberships in professional, governmental and national organizations;
  - (11) Determine, charge and collect reasonable fees;
  - (12) Receive fees and appropriated funds, grants, contract payments and other funds;
  - (13) Establish and employ accounts, including restricted fund accounts;
  - (14) Employ staff and consultants as required to assist it in performing its duties;
  - (15) Determine those professional organizations with which it will affiliate for approving applications. In establishing credentialing criteria or administering examinations, the Board may enter into contracts for the purchase or other acquisition, using scoring or validation of professional tests. In lieu of an examination, the Board may accept the license or certification issued by an agency of the

United States, or of a state or political subdivision of a state, or of a territory or possession of the United States;

(16) Contract with private entities for the performance of such duties, functions, and powers, as the Board considers appropriate;

(17) Subject an applicant for licensure or certification to such written or oral or both written and oral examinations, as it deems necessary to determine their qualifications;

(18) Require a demonstration of continuing competency of Professional engineers, architects, land surveyors, or real property appraisers as a condition of renewal of license; and

(19) Do all other things necessary to carry out the provisions of the law, the rules and regulations and to meet the requirements of federal law where necessary regarding licensing or certification of architects, engineers, land surveyors, landscape architects, and real property appraisers that the Board determines are appropriate for these professions in the CNMI.

*Part V of the Regulations for Practice and Procedures of the Board of Professional Licensing or Section 125-10-110 of 125-10, NMIAC Title 125.*

**PART V. REVOLVING FUND**

5.1 A. The Board of Professional Licensing Revolving Fund (BPLRF) is hereby established. The Department of Finance shall maintain all funds generated under this Chapter in a segregated, restricted special account within the general fund.

B. All monies received in payment for licensing fees to the Board and shall be deposited into the BPLRF. Funds shall be expended to pay for fees and dues to professional, governmental, and other organizations. Notwithstanding any other provision of law, they shall not be reprogrammed for any other purposes. At the end of each fiscal year, all lapsed funds shall be transferred to the CNMI general fund.

C. The Board will prepare an annual budget for approval and appropriation by the Legislature. The budget may exceed the amount of the funds projected by the BPLRF to be generated under the law.

D. The Chair of the Board of Professional Licensing or the chair's designee and the Board Secretary shall be the expenditure authority for the BPLRF.

E. At the close of each fiscal year, the Board shall provide the presiding officers of the Legislature with an accounting of the use of funds deposited into the BPLRF.

*Part VI and Section 6.3 of the Regulations for Practice and Procedures of the Board of Professional Licensing or Section 125-10-115 of 125-10, NMIAC Title 125.*

PART VI. OFFICERS

- 6.1 Officers. The Board shall elect, by the majority vote of a quorum of its members, a Chairperson, a Vice- Chairperson, and a Secretary. The Board may establish such other officers, as it shall deem necessary or appropriate.
- 6.2 Duties of Officers.
- A. Chairperson. The Chairperson shall, when present, preside at all meetings. He/ She shall appoint all standing and /or special committees and shall be an ex-officio member of all committees. He/ She shall perform all other duties pertaining to the office of the chairperson.
- B. Vice-Chairperson. The Vice-Chairperson shall, in the absence of the Chairperson, exercise the duties of and possess all the power of the Chairperson.
- C. Secretary. The Secretary shall record or cause to be recorded the minutes of all board meetings and keep them in a book or file, to maintain current, accurate copies of all board documents (law, all regulations, rules), and to sign licenses or certificates issued by the Board. The Secretary shall perform such additional duties as designated by the Chair.
- 6.3 Elections. The Officers of the Board shall be elected every two years.
- 6.4 Terms of Office. The Officers of the Board shall serve two-year terms unless their membership on the Board is terminated sooner than two years for whatever reason. The Board may fill any vacancy among its officers for the remainder of the unexpired term. In the event of a vacancy of the Chairperson's position the Vice-chair automatically becomes the Chairperson

*Part VII of the Regulations for Practice and Procedures of the Board of Professional Licensing or Section 125-10-120 of 125-10, NMIAC Title 125-10.*

PART VII. COMMITTEES

- 7.1 The Board may establish such standing and special committees, and prescribe their powers, duties, and functions, as it shall deem necessary. The Chairperson of the Board shall appoint the chairperson of all committees, provided, however, that in so doing, the Chairperson shall give recognition to the desire of each member to serve as chairperson on a particular committee. No member of the Board may be the chairperson of more than one standing committee. The Chairperson, as ex-officio member of all committees shall not serve as the chairperson of a standing committee.

*Part VIII of the Regulations for Practice and Procedures of the Board of Professional Licensing or Section 125-10-150 of 125-10, NMIAC Title 125-10.*

PART VIII. MEETINGS; MEETINGS BY ELECTRONIC MEANS

- 8.1 In general:



- A. The Board shall act at its meetings, or as otherwise provided by law.
- B. The Board shall make provision for the attendance of members by electronic means, if a member so requests.
- C. Meetings shall be noticed as required by law.
- D. A copy of meeting materials distributed to the members shall be available to any person for review at the meeting site, except for materials subject to confidentiality or privilege as permitted or required by law.
- 8.2 Time. The time for the regular meetings of the Board shall be established by action of the Board for each year, except as otherwise permitted or provided by law.
- 8.3 Location.
- A. Regular meetings shall be held at such place as the Board may establish by regulation, and the location shall be properly noticed to the public.
- B. The Board may meet by electronic means, and any member may attend a meeting by electronic means.
- D. When the Board meets by electronic means, access to the meeting shall be freely given through the noticed site so that any person attending shall have the same access to the meeting as each attending member at the site. This may include use of speakerphone or video conferencing equipment for a conference call meeting.
- E. Votes of members may be received by electronic means and announced at a meeting.
- 8.4 Quorum. Three members are necessary to make a quorum and a majority of the members then in office shall constitute a quorum for the transaction of business at any Board meeting, or for approval of those matters needing approval of the Board. One or more vacancies in the Board shall not impair the right of the remaining members to constitute a quorum and exercise all the powers of the Board.
- 8.5 Open Meetings. Board meetings and hearings shall be open to the public, as provided in the Open Government Act, 1 CMC §9901-18, as amended.
- 8.6 Conduct of Meetings. Unless the Board adopts regulations that provide for other procedures, the latest edition of Robert's Rules of Order shall govern the proceedings of the Board.
- 8.7 Regular Meetings. Regular meetings shall be held as determined by the Board.

- 8.8 Special Meetings. Special meetings may be held from time to time, and shall be duly noticed by the Board. The Chairperson or any two members may call special meetings of the Board. The executive director shall notify members of the board in writing, at least one week before the date of any regular meeting, and as soon as practical before the date of any special meeting. Such notice shall, whenever possible, include a proposed agenda for the meeting and copies of any documents relevant to matters which will be before the board for its consideration at the meeting.
- 8.9 Executive Session. Ordinarily the Board's meetings shall be open to the public. The Board may meet privately, in Executive Session, for the following purposes:
- (1) To discuss personnel matters, including the hiring, firing and discipline of staff and/or contractors;
  - (2) To discuss pending or potential litigation or investigations;
  - (3) To discuss aspects of the Board's business affairs that is confidential and/or proprietary by law;
  - (4) To discuss a matter that may give rise to a conflict of interest, or an appearance of a conflict, with the discussion taking place in the absence of the member(s) related thereto; and
  - (5) To address other matters permitted by law.
- 8.10 Discussions by electronic means.
- A. The Board may discuss a matter over time by electronic means, as well as in real time, provided that access to the discussion shall be publicly given so that a person seeking to review the discussion as it happens shall have substantially the same access to the discussion as each participating member.
- B. Typically such a discussion shall be by electronic bulletin board open to the view of the public.
- C. Such discussion shall be noticed according to the Board's regulations and shall comply with Commonwealth law regarding open meetings.
- D. The Board shall arrange for a person, upon request, the reasonable use of a public-available electronic means at the Board's office with internet access in order to allow review of the discussion.
- 8.11 Accessibility. The Board shall comply with the accessibility requirements required by law and may, upon a person's request accommodate other special needs relating to sight, sound, language or location.
- 8.12 Order of Business. An agenda outlining the order of business shall be prepared for all Board Meetings. The agenda shall be prepared by the Executive Director and approved by the Chairperson. The Agenda shall include the following:

Meeting Call to Order  
 Determination of Quorum  
 Review and Adoption of Agenda  
 Review and Adoption of Previous Meeting Minutes  
 Communications from Governor's Office & Legislature  
 Chairperson's Report  
Executive Director's Report  
 Investigator's Report  
 Committee Reports  
 Old Business  
 New Business  
Applications for Board's Review  
 Miscellaneous Business  
Executive Session  
Announcements  
 Adjournment of Meeting

- 8.13 Rules of Order. The latest edition of Robert's Rules of Order shall govern the proceedings of the Board. The Chairperson shall rule on all questions of order, subject to appeal to the membership. Voting shall ordinarily be by voice vote, provided, however, that any two members of the Board may request a secret ballot upon any matter before the Board.
- 8.14 Minutes. The Board shall record or cause to be recorded a summary of the proceedings before it at its meetings. The minutes of the Board meetings shall be prepared by the Executive Director and reviewed and approved by the Secretary of the Board.
- 8.15 Attendance/Termination. Attendance at all meetings is compulsory unless excused due to medical or other valid reasons by the ~~chairperson~~ Chairperson. Should a member have three (3) unexcused absence from three (3) regular meetings within any calendar year, the Board ~~shall~~ shall (upon the motion by one of its members that has been duly seconded by another member and then approved by at least three members) recommend to the Governor that such member be terminated "for cause" from the Board.
- 8.16 Delegation. When the Chairperson will be out of the CNMI or otherwise unable to perform official functions, the Vice- Chairperson shall automatically be delegate such functions. If the Vice- Chairperson is for any reason unable to assume such functions, the Secretary shall be the delegate. If the Vice Chairperson and Secretary are unable to assume such functions, the Vice-Chairperson shall delegate such responsibilities to another Board member.

*To add Part IX of the Regulations for Practice and Procedures of the Board of Professional Licensing or 125-10, NMIAC Title 125-10.*

PART IX. TRAVEL

- 9.1 Travel. Travel out of the CNMI at Board expense shall only be as approved by the Board based on funding and other relevant factors, except that, in an emergency where Board action is impracticable, the Chairperson shall decide the travel issue. A written report on the relevant information of the Board within (10) working days following

return is required. No Member may travel if he/she has not submitted an acceptable written report from prior travel.

*To add Part X of the Regulations for Practice and Procedures of the Board of Professional Licensing or 125-10, NMIAC Title 125-10.*

**PART X. STAFF**

- 10.1 Staff. The Board may, subject to budgetary appropriation, employ staff as required to assist it in performing its duties. The executive director shall be exempt from civil service and shall receive an annual salary as determined by the Board pursuant to 1 CMC § 8246.



Commonwealth of the Northern Mariana Islands  
**HEALTH CARE PROFESSIONS LICENSING BOARD**  
 P.O. Box 502078, #1242 Pohnpei Court  
 Capitol Hill, Saipan, MP 96950  
 Tel No: (670)664-4809 Fax: (670)664-4814  
 Email: bpl@pticom.com

**NOTICE OF PROPOSED AMENDMENT TO THE  
 HEALTH CARE PROFESSIONS LICENSING BOARD  
 REGULATIONS FOR PHYSICIANS**

**INTENDED ACTION TO ADOPT THESE PROPOSED REGULATIONS:** The Health Care Professions Licensing Board (HCPLB) intends to adopt as permanent regulations the attached Proposed Amendment to the Regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The regulations would become effective 10 days after compliance with 1 CMC §§ 9102 and 9104(a) or (b) (1 CMC §9105(b)).

**AUTHORITY:** The Health Care Professions Licensing Board has statutory power to promulgate and effect regulations pursuant to P.L. 15-105, Section 3, § 2206 (b), as amended.

**THE TERMS AND SUBSTANCE:** The HCPLB must amend the regulations to allow the Board to issue licenses before the application and required documents are submitted as long as the applicant meets the licensing requirements only for urgent situations to avoid the loss or absence of physicians in the CNMI. The Board also wants to amend § 4210(a) (1) to include U.S. territories under licensure by endorsement.

**THE SUBJECTS AND ISSUES INVOLVED:** Amendment to these regulations:  
 1. To amend Section 4211- Requirements for Temporary/Limited License of the HCPLB Regulations for Physicians.

**DIRECTIONS FOR FILING AND PUBLICATION:** The Board is soliciting comments regarding the proposed amendment which must be received by the Board within thirty (30) days of first publication of this notice in the Commonwealth Register. Interested persons may request copies of the proposed amendments by contacting us at 664-4809 or by email at [bpl@pticom.com](mailto:bpl@pticom.com) or come by our office located at Bldg. 1242, Pohnpei Ct., Capitol Hill, Saipan. Written comments on these amendments should be drop off at our office or sent to the BPL, P.O. Box 502078, Saipan, MP 96950.

Submitted By: Ahmad Al-Alou, MD  
 Ahmad Al-Alou, MD  
 Acting Chairman, HCPLB

6/28/13  
 Date

Received By: Esther S. Fleming  
 Esther S. Fleming  
 Special Assistant for Administration

6/28/13  
 Date

Filed and Recorded By:

Emile  
Esther M. San Nicolas  
Commonwealth Register

06-28-13  
Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a) (3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published, 1 CMC § 2153(f) (publication of rules and regulations).

J. San Nicolas  
JOEY P. SAN NICOLAS  
Attorney General

6/28/13  
Date

*To amend Section 4210(a)(1) - Licensure by Endorsement of the HCPLB Regulations for Physicians*

**§ 140-50.3-4210 Licensure by Endorsement.**

- a) The Board may grant a license to a person to practice as a physician by endorsement if:
- (1) The person holds a full, unrestricted, active license to practice as a physician in another U.S. state or territory, or Canada; and

*To amend Section 4211- Requirements for Temporary/Limited License of the HCPLB Regulations for Physicians*

**§ 140-50.3-004211 Requirements for Temporary/Limited License.**

(a) The board may issue a temporary or limited license for three (3) months to an applicant to practice as a physician if:

(1) The applicant meets all the requirements set forth in § 4205, but due to administrative error or time constraints, not the fault of the applicant, the Board's ability to issue the license in the ordinary course of its affairs has been impaired;

(2) A public emergency occurred, such as a declared disaster of such destructive magnitude force which damaged or destroyed homes, and injured or killed people, and produces a range of immediate suffering and basic human needs that cannot be promptly or adequately addressed by the affected people, and there is a shortage of physicians;

(3) Applicant is to engage in post graduate training under the supervision of a licensed physician at a hospital or other health care facility approved by the Board for such training; or

(4) There is an absence or a shortage of licensed physicians or osteopathic physicians in the CNMI and that the applicant has been duly licensed as a physician or osteopathic physician under the laws of another U.S. state or territory. For this purpose, the board may consider to have an absence or shortage of physicians or osteopathic physicians if the absence or shortage results from the temporary loss of a physician or osteopathic physician. An application for a temporary license due to absence or shortage of physicians shall require the applicant to provide a request from the Medical Affairs Director or the director of the CNMI Department of Public Health as to the absence or shortage of physicians in the CNMI.

(b) Applicants for temporary or limited license shall submit an application form provided by the Board and submit all required documents required under §140-50.3-004213. Make sure all documents are originals or a certified or notarized true copy of original documents.

(c) Because of time constraint and the urgency of the situation, the temporary or limited license may be issued to an applicant at the discretion and approval of the Chairperson of the Board or his designee, if the applicant meets the licensing requirements under this section, before the application and required documents are submitted to the Board. Application, required documents and fees shall be submitted within 5 business days after the license is issued.

(d) The Board may deny an application for a temporary or limited license if the person has been the subject of an adverse action in which his/her license was suspended, revoked, placed on probation, conditioned, or renewal denied.

**Commonwealth of the Northern Mariana Islands  
HEALTH CARE PROFESSIONS LICENSING BOARD  
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Email: [bpl@pticom.com](mailto:bpl@pticom.com)**

**ARONGORONG REEL POMWOL ATIWLIGH KKA REBWE AMENDALI REEL HEALTH CARE  
PROFESSION LICENSING BOARD REEL DOKKTO(PHYSICIANS)**

**MÁNGEMÁNGIL MWÓGHUT YEEL BWE EBWE ADAPTÁÁLI POMMWOL ATIWLIGH KKA:**  
Health Care Professions Licensing Board (HCPLB) emwuschel ebwe adaptááli me aleshú ló  
atiwligh kka e appasch bwe Proposed Regulations, sáangi mwóghutughutul Administrative  
Procedure Act, 1 CMC § 9104(a). Sáangi 1 CMC §9104(a), atiwligh kka ebwe bwunguló 10 ráál  
mwiril jaar atabwey alleghul 1 CMC §§ 9102 me 9104(a)me ngare (b) (1 CMC§9105(b))

**BWÁNGIL:** Health Care Professions Licensing Board nge eyoor bwángil ebwe akkaté allégh kkaal me  
ghitipwotchuw allégh kkaal sangi P.L. ye 15-105, Talil 3, § 2206 (b), igha e amenda.

**KKAPASAL ME AWEWEEL:** HCPLB ebwe amenda li atiwligh reel ebwe mwut ngali Board  
ebwe isisiwow licenses mwal application me dokkomento kka e nesesitay rebwe isisilong  
ngare schaagh bwe applicant we e atabwey alongal licensing requirements reel schaagh  
mwoghutughut kka eghi atabwalabwal me reel esabw yoor dokkto llól CNMI. Board  
emwuschel ebwe bwal amenda li § 4210 (a) bwe ebwe toolong U.S. territories fall licensure reel  
endorsement.

**KKAPASAL ME ÓUTOL:** Amenda ngali Atiwligh kkal:

1. Ebwe amendáli Section 4211- Requirements reel Temporary/Limited License reel Atiwlighil HCPLB  
reel Dokkto

**AFALA REEL AMWELIL ME ARONGOWOWUL:** Board ekke tittingor mángemángiir toulap reel pomwol  
lliwel kkal iye rebwe bwughil llól eliigh ráál ngare schagh aa akkatééló llól Commonwealth Register.  
Schóó kka re remuschal copy-il pomwol amenda kkal emwel rebwe faingi numero ye 664-4809 me  
ngare email [bpl@pticom.com](mailto:bpl@pticom.com) me ngare mweteló reel bwulasiyo Bldg 1242, Pohnpei Ct., Capital Hill,  
Seipel. Ischil mángemáng ebwe isisilong llól bwulasiyo me ngare afanga ngali BPL, P.O. Box 502078,  
Seipél, MP 96950.



Isáliiyalong: Ahmad Al-Alou  
Ahmad Al-Alou, MD  
HCPLB Acting Chairman

6/28/13  
Ráil

Mwir Sángi: \_\_\_\_\_  
Esther S. Fleming  
Special Assistant for Administration

\_\_\_\_\_  
Ráil

Amwel Sángi: Esther M. San Nicolas  
Esther M. San Nicolas  
Commonwealth Register

6.28.13  
Ráil

Sángi 1 CMC § 2153(e) Allégh kkaal a lléghló sángi AG bwe e fil reel fféerúúl me 1 CMC §9104(a)(3)(mwíir sángi AG)Pomwol atiwligh kkal a appaschlong a takkal amwuri fiischiy, me angúúngú ló fféerúúl me legal sufficiency sángi CNMI Attorney General me ebwele akkatewoow, 1 CMC §2153(f) (Arongowowul allégh me atiwligh kkaal.

Joey P. San Nicolas  
Joey P. San Nicolas  
Attorney General

6/28/13  
Ráil

Ebwe amendali Section 4210 (a) (1)- Licensure reel Endorsement reel Atiwlighil HCPLB reer Dokkto

**§ 140-50.3-4210 Licensure by Endorsement.**

a) board emwal ebwe ngaley eschay aramas license reel ebwe angaangal dokkto reel endorsement ngare:

(1) aramas we eyoor yáál full, inrestricted, active license reel ebwe dokkto llól eew U.S. state territory, me ngare Canada ; me

Ebwe amendali section 4211- Requirements reel Temporary/Limited License reel atiwlighil HCPLB reer Dokkto

**§140-50.3-004211 Requirements Reel Temporary/Limited License.**

(a) Board emwel ebwe isisiwow temporary/limited license llól eluuw(3) maram ngali eschay applicant ebwe dokkto ngare:

(1) Applicant e atabwey alongal requirements kka e affat llól §4205, nge sangi administrative error me time constraints, saabw llól isawal applicant we, Board ese isaliwow license llól tempo iye ebwe issaliwow nge a impaire li yaar affair.

(2) Eyoor public emergency, nge re deklaro bwe eew disaster eghi tumogh, iimw e feyir, aramas re feyengaw me maa, eghi tumogh weires , ese bwang ngaliir rebwe alisir aramas, me rese ghów dokkto

(3) Applicant e tolong llól post graduate training faal lemelemil eschay licensed dokkto reel ispitod me bwal eew health care facility iye re apreba li mereel Board reel training; me ngare

(4) Esóór me ngare rese ghów licensed dokkto me osteopathic dokkto llól CNMI nge applicant we e licensed bwe eschay dokkto ngare osteopathic physician faal. Iaay il eew U.S. state me ngare territory. Reel awewe veel , emwal board ebwe kkonsiderali bwe esóór me rese ghów dokkto me osteopathic physicians ngare bwe sangi mwoghutughut veel e ayoora ta temporariyo bwe essabw voor me rese ghów dokkto me osteopathic physician. Application reel temporary license bwele igha esóór me rese gháw physicians nge ebwe require mereel applicant ebwe tingor reel Medical Affairs Director, me ngare director-il CNMI Department of Public Health igha esóór me rese ghów dokkto llól CNMI.

(b) Applicants reel temporary me limited license nge rebwe isalilong schéél application iye re ayoora reel Board me alongal required dokkomento kka e required faal §140-50.3-004213. Amweri ghatchúw bwe alongal dokkomento nge originals me e certified me ngare e notarized bwe a wel kkopiyal original dokkomento.

(c) Reel tempo me atabwalabwalil mwoghut veel, Chairperson il Board me iyo e afeli, emwal rebwe isisiwow temporary me ngare limited license ngali applicant ngare bwe applicant we e atabwey alongal licensing requirement faal section veel, me mwal e issisilong application me alongal required

dokkomento ngali Board. Application, me alongal dokkomento me óbwóss ebwe isalilong llól 5 business days muril re isaliwow license.

(d) Board emwal essabw apreba li application reel temporary me limited license ngare aramas we eyoor fééffér ngaw e féérú nge yaal license e suspended, re bwughi sangi, e lo wóól probation , me rese renew li.

**Commonwealth gi Sangkattan na Islas Marianas Siha**  
**HEALTH CARE PROFESSIONS LICENSING BOARD**  
P.O. Box 502078, #1242 Pohnpei Court  
Capitol Hill, Saipan, MP 96950  
Tel. No.: (670) 664-4809 Fax No. : (670) 664-4814  
e-mail: bpl@pticom.com

**NUTISIAN I MANMAPROPONI NA AMENDASION GI REGULASION SIHA PARA I KUETPUN PROFESION  
LINISENSIAN INADAHIN HINEMLU' NI PARA MEDIKU SIHA**

**I AKSION NI MA'INTENSIONA NA PARA U MA'ADAPTA ESTI SIHA I MANMAPROPONI NA  
REGULASION SIHA:** I Kuetpun lisenensian Profesion Inadahin Hinemlu' Siha (HCPLB) ha intensiona para u adapta kumu petmanienti na regulasion siha ni mañechettun i Manmaproponi na Amendasion para i Regulasion siha, sigun i manera siha gi Aktun Administrative Procedure, 1 CMC § 9104 (a). I regulasion siha para u ifektibu gi dies(10) dihas na tiempu dispues di kinimplin i 1 CMC §§ 9102 yan 9104 (a) pat (b) (1 CMC § 9105 (b)).

**ÅTURIDÅT:** I Kuetpun Linisensian Profesion Inadahin Hinemlu' gai fuetsa ni para u macho'gui yan u huyung i regulasion siha sigun gi Lai Puplicu 15-105, Seksiona 3, § 2206 (b), kumu ma'amenda.

**I TEMA YAN SUSTANSIAN I PALÅBRA SIHA:** I HCPLB debi na u amenda i regulasion siha para u sedi i Kuetpu na u laknus i lisensia siha antis di aplikasion yan i manisisita na dokumentu siha na u mana'hålum tâtkumu i aplikanti ha na'satisfetchu i dinimandan lisenensia solu prisisu i sichuasion siha para masuhâyi i finalingu yan tinaiguin i mediku siha gi halum CNMI. Malagu' lokkui' i Kuetpu para u amenda i § 4210 (a) (1) para u ingklusu gi U. S. territories gi papa' i manlisensia ni fumitma.

**SUHETU NI MASUMÅRIA YAN ASUNTU NI TINEKKA:** Amendasion para esti na regulasion siha:

1. Para u ma'amenda i Seksiona 4211 – Dinimanda siha para i Tempuråriu/  
Limited License gi HCPLB na regulasion siha para doktu siha.

**DIREKSION PARA U MAPO'LU YAN PUBLIKASION:** I Kuetpu mamamaisin imfotmasion sigun gi manmaproponi na amendasion siha ni debi na u marisibi ginin i Kuetpu gi halum i trenta (30) dihas na tiempu gi primet na publikasion esti na nutisia gi halum i Rehistran Commonwealth. Håyi gai intires na petsona siña manggågão kopia siha gi manmaproponi na amendasion siha ya å'agang ham gi 664-4809 pat i email gi [bpl@pticom.com](mailto:bpl@pticom.com) pat fåttu gi ufisinan-måmi ni gaigi gi Bldg. 1242, Pohnpei Ct., Capitol Hill, Saipan. Tugi'i hålum put esti na amendasion siha ya u machuli' guatu gi ufisinan- måmi pat na'hånåo para i BPL, P.O. Box 502078, Saipan, MP 96950.

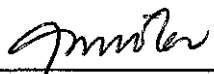
Nina'hålum as: *Ahmad Al-Alou*  
Ahmad Al-Alou, MD  
Acting na Kabesiyu, HCPLB

6/28/13

Fetcha


Rinisibi as: \_\_\_\_\_  
Esther S. Fleming  
Espisiât Na Ayudânti Para l Atministrasion

\_\_\_\_\_  
Fetcha

Pine'lu Yan Ninota as:   
\_\_\_\_\_  
Esther M. San Nicolas  
Rehistran Commonwealth

6.28.13  
Fetcha

Sigun i 1 CMC § 2153 (e), (Inapruedan Abugâdu Henerât i regulasion siha ni para u macho'gui kumu fotma) yan i 1 CMC § 9104 (a) (3) (inahentan inapruedan Abugâdu Henerât) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma'aprueda kumu fotma yan sufisientl ligât ginin i CNMI Abugâdu Henerât yan debi na u mapuplika, 1 CMC § 2153 (f) (puplikasion areklamentu yan regulasion siha).

  
\_\_\_\_\_  
JOEY P. SAN NICOLAS  
Abugâdu Henerât

6/28/13  
Fetcha

*Para u ma'amenda i Seksiona 4210 (a) (1) - licensure by Endorsement i HCPLB na Regulâtion siha para Manmediku.*

**§ 140-50.3-4210 Licensure by Endorsement.**

**(a) I Kuetpu siña ha grant i lisensia para petsona ni para u praktika kumu mediku ginin i endorsement yanggin:**

- (1) I petsona ha go'ti i full, eunrestricted, active na lisensia ni para u praktika kumu mediku gi ottru na U.S. state pat territory, pat Canada; yan**

*Para u amenda i Seksiona 4211 - Na dinimânda siha para i Tempurâriu/Limited License gi regulasion HCPLB para mediku siha*

**§ 140-503-004211 Dinimânda siha para Tempurâriu/Limited License.**

**(a) I kuetpu siña ha laknus i tempurâriu pat limited na lisensia gi tres(3) mesis para i aplikânti para u praktika kumu mediku yanggin:**

- (1) I aplikânti ha meet todû i dinimânda ni mapega mo'na gi § 4205, lâo put i administrative error pat time constraints, ti isâo i aplikânti, i abilidadâ i Kuetpu ni para u laknus i lisensia gi halum i otdinâriu na manera put i iyon-ña affairs ni nina'chatsaga.**
- (2) I masusedi na public emergency, tâtkumu madiklâra na disaster gi kumu destructive magnitude na fuetsa ni yinamak pat dinistrosa i gima' siha, yan maniniridâo pat mamunu' tâotâo, yan ha prudusi meggai manmamadesi yan basic na nisisidât tâotâo ni atyu i ti siña chaddik pat mâolik ma'-address ni maninafekta na tâotâo, yan guaha ti nahung mediku siha;**
- (3) I aplikânti ni para u engage gi post graduate training gi papa' i supervision i malisensia na mediku gi espitât pat ottru na health care na fasilidât ni ma'aprueba ginin i Kuetpu para tât na training; pat**
- (4) Yanggin guaha taiguî pat ti nahung ni malisensina na mediku pat osteopathic na mediku siha gi halum i CNMI yan i aplikânti has been duly licensed kumu mediku pat osteopathic na mediku gi papa' i lai siha gi ottru na U.S. state pat territory.**

Para esti na hinangai, i kuetpu siña ha kunsidera para u taigui pat ti nahung na mediku pat osteopathic na mediku yanggin i taigui pat ti nahung ha risutta ginin i tempurâriu nu loss gi manmediku pat osteopathic na mediku siha. I aplikasion para i tempurâriu na lisensia put i tinaigui pat ti nahung mediku siha ya debi u madimânda i aplikânti para u pribeniyi ginagâo ginin i Medical Affairs Director pat i direktot i CNMI Dipattamentun Hinemlu' Pupbliku kumu para i tinaiguin pat ti nahung mediku siha gi halum i CNMI.

(b) I aplikânti siha para tempurâriu pat limited license ya debi na u na'hålum i fotman aplikasion todû ni madimânda na dokumentu gi papa' i §140-50.3-004213.

Mana'siguru na todû i dokumentu ni manoriyînât pat masettifica pat ma-notarized na magâhit na kopian i oriynât na dokumentu siha.

(c) Put i time constraint yan prisisu na sichuasion, i tempurâriu pat limited license siña malaknus para i aplikânti gi dispusision yan inapruedan i Kabesiyun i Kuetpu pat i ha disikna, yanggin i aplikânti ha meet i dinimândan manlisensia siha gi papa' esti na seksiona, ântis di aplikasion yan i madimânda na dokumentu siha mana'fanhålum guatu gi Kuetpu. I aplikasion, madimânda i dokumentu siha yan i apas na debi na u mana'fanhålum gi halum singku(5) ha'ânin bisnis dispues i malaknus i lisensia.

(d) I Kuetpu siña ha puni i aplikasion para tempurâriu pat limited license yanggin i petsona masuhetu gi adverse action ni masuspendi i lisensiã-ña, revoked, mapega gi probation, conditioned, pat mapuni i rininueba.



Commonwealth of the Northern Mariana Islands  
HEALTH CARE PROFESSIONS LICENSING BOARD  
P.O. Box 502078, #1242 Pohnpei Court  
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NOTICE OF PROPOSED AMENDMENTS TO THE  
HEALTH CARE PROFESSIONS LICENSING BOARD REGULATIONS FOR  
EMERGENCY MEDICAL RESPONDERS, EMERGENCY MEDICAL TECHNICIANS, ADVANCED  
EMERGENCY MEDICAL TECHNICIANS AND EMERGENCY MEDICAL TECHNICIANS-PARAMEDICS

**INTENDED ACTION TO ADOPT THESE PROPOSED REGULATIONS:** The Health Care Professions Licensing Board (HCPLB) intends to adopt as permanent regulations the attached Proposed Amendment to the Regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The regulations would become effective 10 days after compliance with 1 CMC §§ 9102 and 9104(a) or (b) (1 CMC §9105(b)).

**AUTHORITY:** The Health Care Professions Licensing Board has statutory power to promulgate and effect regulations pursuant to P.L. 15-105, Section 3, § 2206 (b), as amended.

**THE TERMS AND SUBSTANCE:** The HCPLB must amend the regulations to make sure that the applicants meet the required national standard curriculum or its equivalent and that it is taught by certified instructors; to amend the continuing education number of hours required and the required courses for each level of licensure; to amend the renewal requirements and to add other violations that is related to the emergency medical services personnel.

**THE SUBJECTS AND ISSUES INVOLVED:** Proposed amendments to these regulations:

(1) §140-50.3-002901 Definitions: Inserting new subsections, deleting subsection (q) and re-lettering all subsections of the Regulations.

(2) §140-50.3-002906 EMR Requirements: Amending Section 2906 (a) whereby subsection (1) is now subsection (2) and vice versa, amending subsections (1) and (3) and adding new subsection (4), deleting subsections (b) and (c) and subsection (d) is now subsection (b) and adding new subsections (c) and (d) of the Regulations.

(3) §140-50.3-002907 EMT Requirements: Amending Section 2907 (a) whereby subsection (1) is now subsection (2) and vice versa, amending subsections (1) and (3) and adding new subsection (4), deleting subsections (b) and (c) and subsection (d) is now (b) and adding new subsections (c) and (d) of the Regulations.

(4) §140-50.3-002908 AEMT Requirements: Amending Section 2908 (a) whereby subsection (1) is now subsection (2) and vice versa, amending subsections (1) and (3) and adding new subsection (4), deleting subsections (b) and (c) and subsection (d) is now (b) and add new subsections (c) and (d) of the Regulations.

(5) §140-50.3-002909 EMT-P Requirements: Amending Section 2909 (a) whereby subsection (1) is now subsection (2) and vice versa, amending subsections (1) and (3) and adding new subsection (4), deleting subsections (b) and (c) and



subsection (d) is now (b) and add new subsections (c) and (d) of the Regulations.

(6) §140-50.3-002914 Continuing Education: Amending subsection (a) (1) to (4), amending subsection (c) and inserting new subsections which will be (d) and (e) and re-lettering the rest of the subsections of the Regulations.

(7) §140-50.3-002915 Renewal: Inserting new subsections which will be (b), (c) and (d) amending subsections (g) and re-lettering the subsections of the Regulations for Emergency Medical Responders, Emergency Medical Technicians, Advanced Emergency Medical Technicians and Emergency Medical Technicians-Paramedic

(8) §140-50.3-002917 National Standard Curriculum. Amending this section of the Regulations.

(9) §140-50.3-002920 Disciplinary Actions: Amending this section of the Regulations.

**DIRECTIONS FOR FILING AND PUBLICATION:** The Board is soliciting comments regarding the proposed amendment which must be received by the Board within thirty (30) days of first publication of this notice in the Commonwealth Register. Interested persons may request copies of the proposed amendments by contacting us at 664-4809 or by email at [bpl@pticom.com](mailto:bpl@pticom.com) or come by our office located at Bldg. 1242, Pohnpei Ct., Capitol Hill, Saipan. Written comments on these amendments should be drop off at our office or sent to the BPL, P.O. Box 502078, Saipan, MP 96950.

Submitted By: Ahmad Al-Alou, MD  
Ahmad Al-Alou, MD  
Acting Chairman, HCPLB

6/28/13  
Date

Received By: Esther S. Fleming  
Esther S. Fleming  
Special Assistant for Administration

6/28/13  
Date

Filed and Recorded By: Esther M. San Nicolas  
Esther M. San Nicolas  
Commonwealth Register

6.28.13  
Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a) (3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published, 1 CMC § 2153(f) (publication of rules and regulations).

J. San Nicolas  
JOEY P. SAN NICOLAS  
Attorney General

6/28/13  
Date

**§ 140-50.3-002900 Part 2900. EMERGENCY MEDICAL RESPONDERS (EMR), EMERGENCY MEDICAL TECHNICIANS (EMT), ADVANCED EMERGENCY MEDICAL TECHNICIANS (AEMT), and EMERGENCY MEDICAL TECHNICIAN-PARAMEDICS (EMT-P)**

*§140-50.3-002901 Inserting new subsections, deleting subsection (q) and re-lettering all subsections of the Regulations for Emergency Medical Responders, Emergency Medical Technicians, Advanced Emergency Medical Technicians and Emergency Medical Technicians-Paramedic*

**§ 140-50.3-2901 Definitions.**

**(a) “ABLS” means the Advanced Burn Life Support.**

**(b) “ACLS” means the Advanced Cardiac Life Support.**

**(e) “AHA” means the American Heart Association” is a non-profit organization in the U.S. which offers the most widely accepted certification to health care providers to effectively respond to life-threatening cardiac events.**

**(f) “ARC” means the American Red Cross” is a humanitarian organization that provides emergency assistance, disaster relief and health and safety education in the U.S. and its territories. The American Red Cross provides first aid, Cardiopulmonary resuscitation (CPR), Automated external defibrillator (AED), water safety and lifeguarding, babysitting, disaster preparedness, and home safety training throughout the United States.**

**(g) “AMLS” means the Advanced Medicine Life Support.**

**(h) “Approved EMS Curriculum” means the curriculum for all EMS level approved by the Board which are the following:**

**(1) National Standard Curriculum developed under the auspices of the U.S. Department of Transportation, National Highway Traffic Safety Administration for the specified level of training of EMS personnel; or**

**(2) EMS curriculum or training program approved by a U.S. state or territory that meets or exceeds the NSC for the licensure level developed by NHTSA, for its licensing or certification requirement and approved by the Board.**

**(i) “Approved EMS Curriculum Provider” means a public or private entity approved by the Board to provide the approved EMS curriculum or training program. The approved EMS curriculum provider must meet the following requirements:**

**(1) Instructor(s) must be currently licensed as and EMT, AEMT or EMT-P for at least two (2) years for the level he/she is teaching; and**

**(2) Instructor(s) must have completed the EMT Instructor Course by the National Association of EMS Educators or an organization approved by the Board and the refresher course every two year and is current on the latest DOT curriculum ; or**

**(3) EMS curriculum providers approved by another U.S. state or territory and approved by the Board; and**

**(4) The approved EMS curriculum provider must provide evidence of a valid and current certificate or letter showing that he/she is an EMS instructor; and**

**(5) Instructors also teaching BLS, ACLS and other health care provider courses must provide evidence of a valid and current card showing that he/she is an instructor for health care provider courses.**

**(k) “BTLS” means the Basic Trauma Life Support.**

**(r) “EMS” means emergency medical services.**

**(u) “EPC” means the Emergency Pediatric Care.**

**(v) “ITLS” means the International Trauma Life Support.**

**(w) “NAEMT” means the National Association of Emergency Medical Technicians who represents and serve EMS practitioners, including paramedics, emergency medical technicians and emergency medical responders, through advocacy, educational programs and research.**

**(x) “NALS” means the Neonatal Advanced Life support.**

**(cc) “PALS” means the Pediatric Advanced Life Support.**

**(dd) “PEPP” means the Pediatric Education for Pre-hospital Professionals.**

**(ee) “PEARS” means the Pediatric Emergency Assessment Recognition and Stabilization.**

**(ff) “PHTLS” means the Pre-hospital Trauma Life Support.**

**(gg) “PPC” means the Pediatric Pre-hospital Care.**

*§140-50.3-002906 Amending Section 2906 (a) whereby subsection (1) is now subsection (2) and vice versa, amending subsections (1) and (3) and adding new subsection (4) and (5), deleting subsections (b) and (c) and subsection (d) is now subsection (b) and adding new subsections (c) and (d) of the Regulations for Emergency Medical Responders, Emergency Medical Technicians, Advanced Emergency Medical Technicians and Emergency Medical Technicians-Paramedic*

**§ 140-50.3-2906 Requirements for Licensure—Emergency Medical Responder (EMR). No individual shall hold himself or herself out to be an EMR unless that individual is licensed by the Board. An applicant to practice as an EMR must be at least eighteen (18) years of age, a U.S. citizen or a national lawfully entitled to remain and work in the CNMI, and meet the following requirements:**

**(a) Applicant must submit evidence of one of the following:**

**(1) A current certification from NREMT as an NREMT-FR; or**

**(2) A valid, active license or certification from a U.S. state or territory to practice as an EMR; or**

(3) A certificate showing successful completion of the most current First Responder National Standard Curriculum developed by the NHTSA, U.S. Department of Transportation, taught by an approved EMS curriculum provider and completed the course within the last two years prior to applying for licensure; or

(4) A certificate showing successful completion of an EMR curriculum or training program approved by a U.S. state or territory that meets or exceeds the most current First Responder National Standard Curriculum developed by the NHTSA, for its licensing or certification requirement approved by the Board and completed the course within the last two years prior to applying for licensure; and

(5) Document showing evidence of passage of the NREMT's FR examinations completed within the last two years prior to applying for licensure; and

**(b) Applicant must submit evidence of a current and valid completion of a CPR course for health care providers within the last two years prior to applying or renewing a license.**

**(c) If your initial EMR curriculum or training program was completed more than two years ago and you have maintained licensure at the EMR level, you must submit documentation verifying completion of an EMR refresher program taught by an approved EMS curriculum provider within the past two years and successfully completing the cognitive and psychomotor examinations. If your initial EMR curriculum or training program was completed more than two years ago and you never gained state licensure at the EMR level, you must complete the most current First Responder National Standard Curriculum developed by the NHTSA, U.S. Department of Transportation, taught by an approved EMS curriculum provider or an EMR curriculum or training program approved by a U.S. state or territory that meets or exceeds the most current National Standard Curriculum for FR developed by NHTSA, for its licensing or certification requirement approved by the Board and complete the cognitive and psychomotor examinations.**

**(d) EMR's Scope of Practice - The primary focus of the Emergency Medical Responder is to initiate immediate lifesaving care to critical patients who access the emergency medical system. This individual possesses the basic knowledge and skills necessary to provide lifesaving interventions while awaiting additional EMS response and to assist higher level personnel at the scene and during transport. Emergency Medical Responders function as part of a comprehensive EMS response, under medical oversight. Emergency Medical Responders perform basic interventions with minimal equipment.**

*§140-50.3-002907 Amending Section 2907 (a) whereby subsection (1) is now subsection (2) and vice versa, amending subsections (1) and (3) and adding new subsection (4) and (5), deleting subsections (b) and (c) and subsection (d) is now (b) and adding new subsections (c) and (d) of the Regulations for Emergency Medical Responders, Emergency Medical Technicians, Advanced Emergency Medical Technicians and Emergency Medical Technicians-Paramedic*

**§ 140-50.3-2907 Requirements for Licensure—Emergency Medical Technician (EMT).**

No individual shall hold himself or herself out to be an EMT unless that individual is licensed by the Board. An applicant to practice as an EMT must be at least eighteen (18) years of age, a U.S. citizen or a national lawfully entitled to remain and work in the CNMI, and meet the following requirements:

**(a) Applicant must submit evidence of one of the following:**

**(1) A current certification from NREMT as an NRAEMT; or**

- (2) A valid, active license or certification from a U.S. state or territory to practice as an EMT; or
- (3) A certificate showing successful completion of the most current EMT-Basic National Standard Curriculum developed by the NHTSA, U.S. Department of Transportation, taught by an approved EMS curriculum provider and completed the course within the last two years prior to applying for licensure; or
- (4) A certificate showing successful completion of an EMT curriculum or training program approved by a U.S. state or territory that meets or exceeds the most current National Standard Curriculum for EMT developed by NHTSA, for its licensing or certification requirement approved by the Board and completed the course within the last two years prior to applying for licensure ; and
- (5) A document showing evidence of passage of the NREMT's EMT-Basic examinations completed within the last two years prior to applying for licensure; and

**(b) Applicant must submit evidence of a current and valid completion of a Basic Cardiac Life Support (CPR) course for health care providers within the last two years prior to applying or renewing a license.**

**(c) If your initial EMT-B curriculum or training program was completed more than two years ago and you have maintained licensure at the EMT level, you must submit documentation verifying completion of an EMT refresher program taught by an approved EMS curriculum provider within the past two years and successfully completing the cognitive and psychomotor examinations. If your initial EMT-B curriculum or training program was completed more than two years ago and you never gained state licensure at the EMT level, you must complete the most current EMT-Basic National Standard Curriculum developed by the NHTSA, U.S. Department of Transportation, taught by an approved EMS curriculum provider or an EMT curriculum or training program approved by a U.S. state or territory that meets or exceeds the most current National Standard Curriculum for EMT developed by NHTSA, for its licensing or certification requirement approved by the Board and complete the cognitive and psychomotor examinations.**

**(d) EMT's Scope of Practice - The primary focus of the Emergency Medical Technician is to provide basic emergency medical care and transportation for critical and emergent patients who access the emergency medical system. This individual possesses the basic knowledge and skills necessary to provide patient care and transportation. Emergency Medical Technicians function as part of a comprehensive EMS response, under medical oversight. Emergency Medical Technicians perform interventions with the basic equipment typically found on an ambulance. The Emergency Medical Technician is a link from the scene to the emergency health care system.**

*§140-50.3-002908 Amending Section 2908 (a) whereby subsection (1) is now subsection (2) and vice versa, amending subsections (1) and (3) and adding new subsection (4) and (5), deleting subsections (b) and (c) and subsection (d) is now (b) and add new subsections (c) and (d) of the Regulations for Emergency Medical Responders, Emergency Medical Technicians, Advanced Emergency Medical Technicians and Emergency Medical Technicians-Paramedic*

**§ 140-50.3-2908 Requirements for Licensure—Advanced Emergency Medical Technician (AEMT):**

**No individual shall hold himself or herself out to be an AEMT unless that individual is licensed by the Board. An applicant to practice as an AEMT must be at least eighteen (18) years of age, a U.S.**

citizen or a national lawfully entitled to remain and work in the CNMI, and meet the following requirements:

(a) Applicant must submit evidence of one of the following:

- (1) A current certification from NREMT as an NRAEMT; or
- (2) A valid, active license or certification from a U.S. state or territory to practice as an AEMT; or
- (3) A certificate showing successful completion of the most current AEMT National Standard Curriculum developed by the NHTSA, U.S. Department of Transportation, taught by an approved EMS curriculum provider and completed the course within the last two years prior to applying for licensure; or
- (4) A certificate showing successful completion of an AEMT curriculum or training program approved by a U.S. state or territory that meets or exceeds the most current National Standard Curriculum for AEMT developed by NHTSA, for its licensing or certification requirement approved by the Board and completed the course within the last two years prior to applying for licensure; and
- (4) Document showing evidence of passage of the NREMT's AEMT examinations completed within the last two years prior to applying for licensure; and

(b) Applicant must submit evidence of a current and valid completion of a Basic Cardiac Life Support (CPR) course for health care providers within the last two years prior to applying or renewing a license.

(c) If your initial AEMT curriculum or training program was completed more than two years ago and you have maintained licensure at the AEMT level, you must submit documentation verifying completion of an AEMT refresher program taught by an approved EMS curriculum provider within the past two years and successfully completing the cognitive and psychomotor examinations. If your initial AEMT curriculum or training program was completed more than two years ago and you never gained state licensure at the AEMT level, you must complete the most current AEMT National Standard Curriculum developed by the NHTSA, U.S. Department of Transportation, taught by an approved EMS curriculum provider or an AEMT curriculum or training program approved by a U.S. state or territory that meets or exceeds the most current National Standard Curriculum for AEMT developed by NHTSA, for its licensing or certification requirement approved by the Board and complete the cognitive and psychomotor examinations.

(d) AEMT's Scope of Practice - The primary focus of the Advanced Emergency Medical Technician is to provide basic and limited advanced emergency medical care and transportation for critical and emergent patients who access the emergency medical system. This individual possesses the basic knowledge and skills necessary to provide patient care and transportation. Advanced Emergency Medical Technicians function as part of a comprehensive EMS response, under medical oversight. Advanced Emergency Medical Technicians perform interventions with the basic and advanced equipment typically found on an ambulance. The Advanced Emergency Medical Technician is a link from the scene to the emergency health care system.

§140-50.3-002909 *Amending Section 2909 (a) whereby subsection (1) is now subsection (2) and vice versa, amending subsections (1) and (3) and adding new subsection (4) and (5), deleting subsections (b) and (c) and subsection (d) is now (b) and add new subsections (c) and (d) of the Regulations for Emergency Medical Responders, Emergency Medical Technicians, Advanced Emergency Medical Technicians and Emergency Medical Technicians-Paramedic*

**§ 140-50.3-2909 Requirements for Licensure—Emergency Medical Technician-Paramedic (EMT-P)**

No individual shall hold himself or herself out to be an EMT-P unless that individual is licensed by the Board. An applicant to practice as an EMT-P must be at least eighteen (18) years of age, a U.S. citizen or a national lawfully entitled to remain and work in the CNMI, and meet the following requirements:

(a) Applicant must submit evidence of one of the following:

- (1) A current certification from NREMT as an NREMT-P; or
- (2) A valid, active license or certification from a U.S. state or territory to practice as an EMT-P; or
- (3) A certificate showing successful completion of the most current EMT – Paramedic National Standard Curriculum developed by the NHTSA, U.S. Department of Transportation, taught by an approved EMS curriculum provider and completed the course within the last two years prior to applying for licensure; or
- (4) A certificate showing successful completion of an EMT-P curriculum or training program approved by a U.S. state or territory that meets or exceeds the most current National Standard Curriculum for EMT-P developed by NHTSA, for its licensing or certification requirement approved by the Board and completed the course within the last two years prior to applying for licensure ; and
- (5) Document showing evidence of passage of the NREMT-P examinations completed within the last two years prior to applying for licensure; and

(b) Applicant must submit evidence of a current and valid completion of a Basic Cardiac Life Support (CPR) course for health care providers within the last two years prior to applying or renewing a license.

(c) If your initial EMT-P curriculum or training program was completed more than two years ago and you have maintained licensure at the EMT-P level, you must submit documentation verifying completion of an EMT-P refresher program taught by an approved EMS curriculum provider within the past two years and successfully completing the cognitive and psychomotor examinations. If your initial EMT-P curriculum or training program was completed more than two years ago and you never gained state licensure at the EMT-P level, you must complete the entire most current EMT –Paramedic National Standard Curriculum developed by the NHTSA, U.S. Department of Transportation, taught by an approved EMS curriculum provider or an EMT-P curriculum or training program approved by a U.S. state or territory that meets or exceeds the most current National Standard Curriculum for EMT-P developed by NHTSA, for its licensing or certification requirement approved by the Board and complete the cognitive and psychomotor examinations.

**(d) EMT-P's Scope of Practice - The Paramedic is an allied health professional whose primary focus is to provide advanced emergency medical care for critical and emergent patients who access the emergency medical system. This individual possesses the complex knowledge and skills necessary to provide patient care and transportation. Paramedics function as part of a comprehensive EMS response, under medical oversight. Paramedics perform interventions with the basic and advanced equipment typically found on an ambulance. The Paramedic is a link from the scene into the health care system.**

*§140-50.3-002914 Amending subsection (a) (1) to (4), amending subsection (c) and inserting new subsections which will be (d) and (e) and re-lettering the rest of the subsections of the Regulations for Emergency Medical Responders, Emergency Medical Technicians, Advanced Emergency Medical Technicians and Emergency Medical Technicians-Paramedic*

**§ 140-50.3-2914 Continuing Education (CE).**

**(a) All EMR, EMT, AEMT, or EMT-P licensed to practice in the CNMI are required to complete the following refresher courses or CE hours as a prerequisite to the renewal of their biennial license:**

**(1) EMR:**

**(i) Completion of an approved DOT National Standard First Responder/EMR refresher or CECBEMS approved refresher course; or**

**(ii) 12 hours of approved continuing education hours which must include the following topics and hours listed:**

- 1. Preparatory – 1 hour**
- 2. Airway – 2 hours**
- 3. Patient Assessment – 2 hours**
- 4. Circulation – 3 hours**
- 5. Illness and Injury – 3 hours**
- 6. Childbirth and Children – 1 hour**

**(2) EMT:**

**(i) Completion of an approved 24 hour DOT National Standard EMT-B/EMT refresher or CECBEMS approved refresher course; and**

**(ii) Completion of 48 hours of approved continuing education hours which must include the following topics and hours listed:**

- 1. Preparatory – 1 hour**
- 2. Airway – 2 hours**
- 3. OB, Infants, Children – 2 hours**
- 4. Patient Assessment – 3 hours**
- 5. Medical/Behavior – 4 hours**
- 6. Trauma – 4 hours**
- 7. Elective – 8 hours**

**(iii) A maximum of 16 hours can be applied from each of the following courses: ABLS, AMLS, BTLs, NALS, PEPP, PHTLS, and PPC;**



(iv) A maximum of 12 hours can be applied from each of the following courses: Teaching CPR, Emergency Driving or Dispatch Training; and

(v) A maximum number of 24 hours of CECBEMS approved Distributive Education can be applied to continuing education requirements;

(vi) A maximum of 24 hours can be applied towards additional continuing education hours from the college level courses related to EMS. These courses include but are not limited to: Anatomy/Physiology, Pharmacology, Cellular Biology, Chemistry, Psychology, and Microbiology; and

(vii) Hours from the following courses can be applied hour for hour with no maximum: Advanced Trauma Life Support, Refresher Course Instruction and Wilderness EMS Training.

(3) AEMT:

(i) Completion of an approved 36 hour DOT National Standard AEMT refresher or CECBEMS approved refresher course; and

(ii) Completion of 36 hours of additional approved continuing education hours which must include the following topics and hours listed:

1. Mandatory Core Content:

a) Airway, Breathing and Cardiology - 6 hours

b) Medical Emergencies - 2 hours

c) Trauma – 4 hours

d) Obstetrics and Pediatrics – 6 hours

2. Flexible Core Content:

a) Airway, Breathing and Cardiology – 6 hours

b) Medical Emergencies – 4 hours

c) Trauma – 1 hour

d) Obstetrics and Pediatrics – 6 hours

e) Operational Tasks – 1 hour

(iii) A maximum of 16 hours can be applied from each of the following courses: ABLS, ACLS, AMLS, BTLS, ITLS, NALS, PALS, PEPP, PHTLS, PPC, and teaching EMS courses;

(iv) A maximum of 12 hours can be applied from each of the following courses: Teaching CPR, Emergency Driving or Dispatch Training;

(v) A maximum number of 18 hours of CECBEMS approved Distributive Education can be applied to continuing education requirements;

(iii) A maximum of 18 hours can be applied for college courses that relate to your role as an EMS professional. These courses include

but are not limited to: Anatomy, Physiology, Biology, Chemistry, Microbiology, Pharmacology, Psychology, Sociology, and Statistics;

(iv) Hours from the following courses can be applied hour for hour with no maximum: Advanced Trauma Life Support, EMS Course Instruction, and Wilderness EMS Training.

(4) EMT-P:

(i) Completion of an approved 48 hour DOT National Standard EMT-P/Paramedic refresher course; or

(ii) Completion of approved continuing education equivalent to a refresher course; and

(ii) Completion of approved continuing education hours which must include the following topics and hours listed:

1. Mandatory Core Content:

a) Airway, Breathing and Cardiology - 8 hours

b) Medical Emergencies - 3 hours

c) Trauma – 5 hours

d) Obstetrics and Pediatrics – 8 hours

2. Flexible Core Content:

a) Airway, Breathing and Cardiology – 8 hours

b) Medical Emergencies – 5 hours

c) Trauma – 1 hour

d) Obstetrics and Pediatrics – 8 hours

e) Operational Tasks – 1 hour

(iii) A maximum of 12 hours can be applied from each of the following courses: ABLS, ACLS, AMLS, BTLS, ITLS, NALS, PALS, PEPP, PHTLS, and EPC;

(iv) A maximum of 12 hours can be applied from each of the following courses: Teaching CPR, Emergency Driving or Dispatch Training;

(v) A maximum number of 12 hours of CECBEMS approved Distributive Education can be applied to continuing education requirements;

(iii) A maximum of 18 hours can be applied for college courses that relate to your role as an EMS professional. These courses include but are not limited to: Anatomy, Physiology, Biology, Chemistry, Microbiology, Pharmacology, Psychology, Sociology, and Statistics; and

(iv) Hours from the following courses can be applied hour for hour with no maximum: Advanced Trauma Life Support, EMS Course Instruction, and Wilderness EMS Training.

(c) Approved continuing education activities include, but are not limited to, the following: the National Standard Curriculum and refresher courses developed by NHTSA for the specified level of training of EMS personnel; courses or training program approved by a U.S. state or territory that meets or exceeds the most current National Standard Curriculum developed by NHTSA; courses, workshops, seminars, training programs, or online CEs approved by the Continuing Education Coordinating Board for EMS (CECBEMS); American Health Association Basic Life Support; Advanced Cardiac Life Support and Pediatric Advanced Life Support courses; American Academy of Pediatrics Pediatric Education courses; and the American College of Surgeons Trauma Life Support courses.

(d) Courses that cannot be applied towards CE hours are: clinical rotations, CPR, home study programs, instructor courses, management/leadership courses, performance of duty, serving as a skill examination, and volunteer time with agencies.

(e) An individual who is a member of the reserves and is deployed for active duty with a branch of the Armed Forces of the United States whose CNMI license expires during the time the individual is on active duty or less than six (6) months from the date the individual is deactivated/released from active duty, may be given an extension of the expiration date of the individual's license for up to six (6) months from the date of the individual's deactivation/release from active duty in order to meet the renewal requirements for the individual's license upon compliance with the following:

(i) Provide documentation from the respective branch of the Armed Forces of the United States verifying the individual's dates of activation and deactivation/release from duty.

(ii) If no lapse in licensure, provide documentation showing that the CE requirements submitted for the renewal period were taken not earlier than thirty (30) calendar days prior to the effective date of the individual's license that was valid when the individual was activated for duty and not later than six (6) months from the date of the deactivation/release from duty.

*§140-50.3-002915 Inserting new subsections which will be (b), (c) and (d) amending subsections (g) and re-lettering the subsections of the Regulations for Emergency Medical Responders, Emergency Medical Technicians, Advanced Emergency Medical Technicians and Emergency Medical Technicians-Paramedic*

**§ 140-50.3-2915 Renewal.**

**(a) All licenses issued by the Board expire after two years following issuance or renewal and becomes invalid after that date.**

**(b) All renewal licensees must be actively practicing his/her licensure level during the last two years prior to expiration date of license.**

**(c) All renewal licensees must submit a current and valid re-certification from NREMT or evidence of completion of refresher courses and/or continuing education as required under § 140-50.3-2914.**

**(d) All renewal licensees must submit evidence of a current and valid completion of a CPR course or other health care provider's course required for licensure completed within the last two years prior to renewing of your license.**

(e) Each licensee shall be responsible for submitting a completed renewal application at least eighty-four (84) days before the expiration date. The Board shall send, by mail or email, a notice to every person licensed hereunder giving the date of expiration and the fee and any additional requirement for the renewal thereof.

(f) A late fee of \$25.00 will be charged every 1<sup>st</sup> of the month after the expiration date.

(g) Licenses which have expired for failure to renew on or before the date required may be reinstated within one year of the expiration date but must meet all initial or refresher courses and continuing education as required under § 140-50.3-2914 and payment of the renewal and late fees for each calendar month until the renewal fee is paid. Each licensee whose license has expired and lapsed for more than one year by failure to renew must file a new application, meet current requirements for licensure, and receive Board approval.

*§140-50.3-002917 Amending this section of the Regulations for Emergency Medical Responders, Emergency Medical Technicians, Advanced Emergency Medical Technicians and Emergency Medical Technicians-Paramedic*

**§ 140-50.3-2917 National Standard Curriculum**

**The board recognizes the National Standard Curriculum developed under the auspices of the U.S. Department of Transportation, National Highway Traffic Safety Administration for the specified level of training of EMS personnel. The current National Standard Curriculum (NSC) shall be used as a guideline for development of all EMS training curriculum. The Board also recognizes the National EMS Education Program Accreditation, National EMS Certification and any amendments thereto to the standards, which may be obtained at <http://www.nremt.org>.**

**§ 140-50.3-2918 Oath and Code of Ethics.**

The Board adopts, as if fully set out herein and to the extent that it does not conflict with CNMI laws, rules, and regulations, the National Association of Emergency Medical Technicians (NAEMT) Oath and Code of Ethics which may be obtained at <http://www.naemt.org>.

*§140-50.3-002920 Amending this section of the Regulations for Emergency Medical Responders, Emergency Medical Technicians, Advanced Emergency Medical Technicians and Emergency Medical Technicians-Paramedic*

**§ 140-50.3-2920 Disciplinary Action.**

**(a) The Board shall have the power to impose administrative penalties and/or reprimands; revoke or suspend; refuse to issue, restore or renew, the license of any person who is found guilty of one or more of the violations pursuant to § 2224 of P.L. 15-105 and §§ 140-50.3-00901 – 1300 of the regulations, including, but not limited to the following:**

**(1) Knowing or willful violation of patient privacy or confidentiality by releasing information to persons not directly involved in the care or treatment of the patient;**

**(2) Illegal drug use on or off duty;**

**(3) Alcohol use within eight hours of going on duty or while on duty or in an on-call status;**

**(4) Violation of verbal orders, either directly or by radio or telephone, from a physician who is responsible for the care of a patient;**

- (5) Use of invasive medical procedures in violation of generally accepted standards of the medical community;**
- (6) Any action that constitutes a violation of any CNMI law, municipal code, or regulations that endangers the public, other public safety officials, other EMS personnel, including improper operation of an emergency medical vehicle;**
- (7) Instructing, causing or contributing to another individual violating a statute or regulations, including other EMS personnel acting in a supervisory capacity;**
- (8) Participation in the issuance of false continuing education documents or collaboration therein, including issuing continuing education verification to one who did not legitimately attend the continuing education activity;**
- (9) Signing in to a continuing education activity for a person not actually present;**
- (10) Knowingly assisting or permitting other EMS personnel to exceed his or her lawful scope of practice;**
- (11) Unlawful use of emergency vehicle lights and siren;**
- (12) Responding to scenes in which the licensee is not properly dispatched (“call-jumping”), whether in a private auto, ambulance, or other vehicle, in contravention of local protocols, procedures, or ordinances, or interfering with the safe and effective operation of an EMS system;**
- (13) Cheating on any examination used to measure EMS related knowledge or skills;**
- (14) Assisting another person in obtaining an unfair advantage on an EMS related examination;**
- (15) Knowingly providing emergency medical care aboard an unlicensed ambulance;**
- (16) Arriving for duty impaired or in a condition whereby the licensee is likely to become impaired through fatigue, illness, or any other cause, as to make it unsafe for the licensee to begin to operate an ambulance or provide patient care; and**
- (17) Any violation of P.L. 15-105 and the Regulations for Emergency Medical Responders, Emergency Medical Technicians, Advanced Emergency Medical Technicians and Emergency Medical Technicians-Paramedic or regulations governing ambulances or the CNMI EMS systems.**

**Commonwealth gi Sangkattan na Islas Marianas Siha**

**HEALTH CARE PROFESSIONS LICENSING BOARD**

P.O. Box 502078, #1242 Pohnpei Court

Capitol Hill, Saipan, MP 96950

Tel. No.: (670) 664-4809 Fax No. : (670) 664-4814

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**NUTISIA PUT I MANMAPROPONI NA AMENDASION NI  
REGULASION SIHA PARA I HEALTH CARE PROFESSIONS LICENSING BOARD PARA I  
EMERGENCY MEDICAL RESPONDERS, EMERGENCY MEDICAL TECHNICIANS, ADVANCED  
EMERGENCY MEDICAL TECHNICIANS YAN EMERGENCY MEDICAL TECHNICIANS-PARAMEDICS**

**I AKSION NI MA'INTENSIONA NA PARA U MA'ADAPTA ESTI SIHA I MANMAPROPONI NA  
REGULASION SIHA:** I Health Care Professions Licensing Board (HCPLB) ha intensiona para u adapta kumu petmanienti na regulasion siha ni mañechettun i Manmaproponi na Amendasion para i Regulasion siha, sigun i manera siha gi Áktun Administrative Procedure, 1 CMC § 9104 (a). I regulasion siha para u ifektibu gi dies(10) dihas na tiempu dispues di kinimplin i 1 CMC §§ 9102 yan 9104 (a) pat (b) (1 CMC § 9105 (b)).

**ÁTURIDÁT:** I Health Care Professions Licensing Board gai fuetsa ni para u macho'gui yan u huyung i regulasion siha sigun gi Lai Publiku 15-105, Seksiona 3, § 2206 (b), kumu ma'amenda.

**I TEMA YAN SUSTANSIAN I PALÁBRA SIHA:** I HCPLB debi na u amenda i regulasion siha para u na'siguru na i aplikánti siha makumpli i dinimánda gi national standard curriculum pat i bali-ña yan atyu i mafaná'gui ni certified instructors; para u ma'amenda i continuing education gi mineggai oras ni madimánda na courses para kada level gi licensure; pat u ma'amenda i marinueba na dinimánda siha yan para u ma'aomentáyi gi ottru violations ni u ma'achuli' yan i emergency medical services personnel.

**SUHETU NI MASUMÁRIA YAN ASUNTU NI TINEKKA:** I manmaproponi na amendasion gi esti na regulasion siha:

(1) §140-50.3 – 002901 Diferension siha: Mana'háhalum i nuebu na subsections, mana'susuha i subsection (q) yan mata'lun manmalettra todú i subsections gi Regulasion siha.

(2) §140-50.3 – 002906 Dinimánda Siha gi EMR: Ma'amemenda i seksiona 2906 (a) gi anai i subsection (1) ya pá'gu subsection (2) yan vice versa. ma'amemenda i subsections (1) yan (3) yan ma'áomementa nuebu na subsection (4), ya mana'susuha i subsections (b) yan i (c) yan i subsection (d) ya pá'gu subsection (b) yan ma'áomementa i nuebu na subsections (c) yan (d) gi Regulasion siha.

(3) §140-50.3 – 002907 Dinimánda Siha gi EMT: Ma'amemenda i Seksiona 2907 (a) gi anai i subsection (1) pá'gu subsection (2) yan vice versa, ma'amemenda i subsections (1) yan i (3) yan ma'áomementa nueba na subsection (4), ya mana'susuha i subsections (b) yan i (c) yan i subsection (d) ya pá'gu (b) yan ma'áomementa nuebu na subsections (c) yan (d) gi Regulasion siha.

(4) §140-50.3 – 002908 Dinimãnda Siha gi AEMT: Ma’amemenda i Seksiona 2908 (a) gi anai i subsection (1) pã’gu subsection (2) yan vice versa, ma’amemenda i subsections (1) yan i (3) ya ma’ãomementa nuebu na subsection (4) ya mana’susuha i subsections (b) yan i (c) yan i subsection (d) ya pã’gu (b) yan ma’ãomementa nuebu na subsections (c) yan (d) gi Regulasion siha.

(5) §140-50.3 – 002909 Dinimãnda Siha gi EMT- P na dinimãnda siha: Ma’amemenda i Seksiona 2909 (a) gi anai i subsection (1) pã’gu subsection (2) yan vice versa, ma’amemenda i subsections (1) yan (3) yan ma’ãomementa i nuebu na subsection (4) , ya ma’ãomementa i nuebu (4) , manasusuha i subsections (b) yan i (c) yan i subsection (d) ya pã’gu (b) yan ma’ãomementa nuebu na subsections (c) yan i (d) gi Regulasion siha.


(6) §140-50.3 – 002914 Continuing Education: Ma’amememda i subsection (a) (1) para i (4) ya ma’amemend i subsection (c) yan mana’hãhalum i nuebu na subsections ni para i (d) yan (e) yan mata’lun malettra i pumalu gi subsections gi Regulasion siha.

(7) §140-50.3 – 002915 Rininueba: Mana’hãhalum i nuebu na subsections ni para i (b), (c) yan i (d) ni ma’amemenda i subsections (g) yan mata’lun malettra i subsections gi Regulasion siha para i Emergency Medical Responders, Emergency Medical Technicians, Advanced Emergency Medical Technicians yan Emergency Medical Technicians-Paramedic.

(8) §140-50.3 -002917 National Standard Curriculum. Ma’amemenda esti na seksiona gi Regulasions siha.

(9) §140-50.3 – 002920 Disciplinary Actions: Ma’amemenda esti na seksiona gi Regulasion siha.

**DIREKSION PARA U MAPO’LU YAN PUBLIKASION:** I Kuetpu mamamaisin imfotmasion sigun gi manmaproponi na amendasion siha ni debi na u marisibi ginin i Kuetpu gi halum i trenta (30) dihas na tiempu gi primet na publikasion esti na nutisia gi halum i Rehistran Commonwealth. Hãyi gai intires na petsona siña manggãgão kopia siha gi manmaproponi na amendasion siha ya ã’agang ham gi 664-4809 pat i email gi [bpl@pticom.com](mailto:bpl@pticom.com) pat fãttu gi ufisinin-mãmi ni gaigi gi Bldg. 1242, Pohnpei Ct., Capitol Hill, Saipan. Tugi’i hãlum put esti na amendasion siha ya u machuli' guatu gi ufisinin- mãmi pat na'hãnão para i BPL, P.O. Box 502078, Saipan, MP 96950.

Nina’hãlum as:   
Ahmad Al-Alou, MD  
Acting na Kabesiyu, HCPLB

6/28/13  
Fetcha

Rinisibi as:

  
Esther S. Fleming  
Espisiãt Na Ayüdãnti Para I Atministrasion

6/28/13

Fetcha

Pine'lu Yan Ninota as:

  
Esther M. San Nicolas  
Rehistran Commonwealth

06/28/13

Fetcha

Sigun i 1 CMC § 2153 (e), (Inapruedan Abugãdu Henerãt i regulasion siha ni para u macho'gui kumu fotma) yan i 1 CMC § 9104 (a) (3) (inahentan inapruedan Abugãdu Henerãt) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma'aprueda kumu fotma yan sufisientl ligãt ginin i CNMI Abugãdu Henerãt yan debi na u mapupblika, 1 CMC § 2153 (f) (pupplikasion areklamentu yan regulasion siha).



JOEY P. SAN NICOLAS  
Abugãdu Henerãt

6/28/13

Fetcha



**§ 140-50.3 - 002900 Pätti 2900 EMERGENCY MEDICAL RESPONDERS (EMR), EMERGENCY MEDICAL TECHNICIANS (EMT), ADVANCED EMERGENCY MEDICAL TECHNICIANS (AEMT) yan EMERGENCY MEDICAL TECHNICIAN-PARAMEDICS (EMT-P)**

*§ 140-50.3 – 002901 Mana'håhalum i nuebu na subsections, mana'susuha i subsection (q) yan mata'lun malelettra todü i subsections gi Regulasion siha para i Emergency Medical Responders, Emergency Medical Technicians, Advanced Emergency Medical Technicians yan Technicians-Paramedic*

**§ 140-50.3 – 2901 Difinision Siha.**

**(a) “ABLS” kumeke'ilekña na Advanced Burn Life Support.**

**(b) “ACLS” kumeke'ilekña na Advanced Cardiac Life Support.**

**(e) “AHA” kumeke'ilekña na American Heart Association” guiya i non-profit organization gi halum U.S. ni ha ufresi itmås ånchu' na inakseptan settifikation gi health care providers para i effectively respond para i life-threatening cardiac events.**

**(f) “ARC” kumeke'ilekña na American Red Cross” guiya i humanitarian organization ni ha pribeniyi emergency assistance, disaster relief yan health yan safety education gi halum U.S. yan iyon-ña territories. I American Red Cross ha pribeniyi first aid, Cardiopulmonary resuscitation (CPR), Automated external defibrillator (AED), water safety yan lifeguarding, babysitting, disaster preparedness, yan home safety training gi enti todü iya United States.**

**(g) “AMLS” kumeke'ilekña na Advanced Medicine Life Support.**

**(h) “Approved EMS Curriculum” kumeke'ilekña na curriculum para todü EMS level ni ma'aprueba ni Kuetpu ni mantinattitivi gi sigienti:**

**(1) National Standard Curriculum ni macho'gui gi papa' i auspices gi U.S. Dipattamentun Transpottasion, Atministrasion National Highway Traffic Safety para i ma'ispisifika na level gi training i EMS personnel; pat**

**(2) EMS curriculum pat training program ni ma'aprueba ni U.S. state pat territory ni ha kumpli pat ha upus i NSC ni para i licensure level ni macho'gui ni NHTSA, para iyon-ña licensing pat settifikasion ni madimånda yan ma'aprueba ni Kuetpu.**

**(i) “Ma'aprueba i EMS Curriculum Provider” kumeke'ilekña na pupbliku pat private entity ni ma'aprueba ni Kuetpu para u pribeniyi ni ma'aprueba na EMS curriculu pat training program. I ma'aprueba na EMS curriculum provider debi na u kumpli i sigienti na dinimånda siha:**

**(1) Instructor(s) debi na u malisensia gi presentu kumu yan EMT, AEMT, pat EMT-P putlumenus dos (2) åñus para i level ni ha fa'nåna'gui; yan**

**(2) Instructor(s) debi na u kumplidu i EMT Instructor Course ginin i National Association gi EMS Educators pat otganisasion ni ma'aprueba ni Kuetpu yan i refresher course kada dos åñus yan current gi lates DOT curriculum; pat**

(3) EMS curriculum providers ni ma'aprueba ni ottru ni U.S. state pat territory yan ma'aprueba ni Kuetpu; yan

(4) I ma'aprueba na EMS curriculum provider debi na u pribeniyi ebidensa gi valid yan current na settifiku pat katta ni a'annuk na EMS instructor gui'; yan

(5) I instructors lokkui' ni mamananã'gui BLS, ACLS yan ottru health care provider courses na debi u pribeniyi ebidensa gi valid yan current card ni a'annuk na instructor gui' gi health care provider courses.

(k) "BTLS" kumeke'ilekña na Basic Trauma Life Support.

(r) "EMS" kumeke'ilekña na Emergency Medical Services.

(u) "EPC" kumeke'ilekña na Emergency Pediatric Care.

(v) "ITLS" kumeke'ilekña na International Trauma Life Support.

(w) "NAEMT" kumeke'ilekña na National Association of Emergency Medical Technicians ni ha ripresenta yan ha setbi EMS practioners, ingklusu i paramedics, emergency medical technicians yan emergency medical responders, ginin advocacy, educational programs yan research.

(x) "NALS" kumeke'ilekña na Neonatal Advanced Life Support.

(cc) "PALS" kumeke'ilekña na Pediatric Advanced Life Support.

(dd) "PEPP" kumeke'ilekña na Pediatric Education para Pre-hospital Professionals.

(ee) "PEARS" kumeke'ilekña na Pediatric Emergency Assessment Recognition yan Stabilization.

(ff) "PHTLS" kumeke'ilekña na Pre-hospital Trauma Life Support.

(gg) "PPC" kumeke'ilekña na Pediatric Pre-hospital Care.

*§ 140-50.3 – 002906 Ma'amemenda i Seksiona 2906 (a) guini gi subsection (1) ni pã'gu subsection (2) yan vice versa, ma'amemenda i subsections (1) yan i (3) yan ma'ãomenta nuebu na subsection (4) yan (5), mana'susuha i subsections (b) yan (c) yan subsection (d) ya pã'gu subsection (b) yan ma'ãomememta nuebu na subsections (c) yan (d) gi Regulasion siha para Emergency Medical Responders, Emergency Medical Technicians, Advanced Emergency Medical Technicians yan Emergency medical Technicians-Paramedics.*

**§ 140-50.3 – 2906 Dinimãnda siha para i Licensure – Emergency Medical Responder (EMR). Tãya' indibiyuãt debi u siña chumo'gui ni para u fama' EMR solu malisensia ginin i Kuetpu. I aplikãnti ni para u praktika kumu EMR debi na putlumenus disi'otchu (18) ãñus idãt-ña, u sudidãnun U.S. pat national lawfully entitled ni para u sãga yan u facho'chu' gi halum CNMI, yan ha meet i sigienti na dinimãnda siha.**

- (a) I aplikáanti debi na u na'hálum ebidensia ni unu gi sigienti:
- (1) I prisenti na settifikasion ginin i NREMT kumu i NREMT-FR; pat
  - (2) I valid, aktibu na lisensia pat settifikasion ginin i U.S. state pat territory ni para u praktika kumu EMR; pat
  - (3) I settifiku ni a'annuk na munháyan i kinumplidu itmás current na First Responder National Standard Curriculum ni macho'gui ni NHTSA, U.S. Dipattamentun Transpottasion, ni fina'ná'gui ni inaprueban i EMS curriculum provider yan makumpli i courses gi halum i ottimu na dos (2) áñus ántis di inaplika para i licensure; pat
  - (4) I settifiku ni a'annuk na munháyan i kinumplidu gi EMR curriculum pat training program ni ma'aprueba ni U.S. state pat territory ni ha meet pat ha exceed itmás current na First Responder National Standard curriculum ni macho'gui ni NHTSA para i lisensiá-ña pat settifikasion ni madimánda ni ma'aprueba ni Kuetpu yan makumpli i course gi halum i dos(2) áñus ántis di inaplika para i licensure; yan
  - (5) Dokumentu ni a'annuk ebidensia i passage i NREMT's FR na eksaminasion siha ni makumpli gi halum i ottimu dos(2) áñus ántis di inaplika i licensure; yan
- (b) I aplikáanti debi u na'hálum ebidensian i current yan valid completion i CPR course para i health care providers gi halum i ottimu dos (2)áñus ántis di inaplika pat i rininueban i lisensia.
- (c) Yanggin iyom-mu initial EMR curriculum pat training program kumplidu más ki dos áñus tátti yan u maintained licensure gi EMR level, debi u na'hálum i dokumentasion ni a'annuk na kumplidu i EMR refresher program ni mafa'ná'gui ni ma'aprueba ni EMS provider gi halum i ma'pus dos áñus yan kabális máolik i cognitive yan phycomotor examinations. Yanggin kabális más ki dos áñus sákkán tátti iyom-mu initial EMR curriculum pat training program yan táya' na ginanna gi state licensure gi EMR level, pues debi na u kumplidu itmás prisenti na First Responder National Standard Curriculum ni macho'gui ni i NHTSA, i U.S. Dipattamentun Transpottasion, na finaná'gui ni ma'aprueba ni EMS curriculum provider pat i EMR curriculum pat i training program ni inaprueba ni U.S. state pat territory ni ha meet pat ha upus itmás prisenti na National Standard Curriculum para i macho'gui ni NHTSA, para iyon-ña licensing pat i madimánda na settifikasion ni ma'aprueba ni Kuetpu yan makumplidu i cognitive yan psychomotor examinations.
- (d) EMR's Scope of Practice - i prinsipát na focus gi Emergency Medical Responder i para u ma-initiate insigidas i lifesaving care gi para i mangkritikát na manmalángu ni gai access gi sisteman emergency medical. Esti na indibiyuát gai tingu' yan praktiku siha gi anai para u pribeniyi lifesaving interventions mientras mannanangga más EMS áosiliu para u ma'asisti i higher level personnel gi lugát yan durántin trinaspotta. I Emergency Medical Responders gai fungsion kumu pátti gi comprehensive EMS response, gi papa' i medical oversight. I Emergency Medical Responders ha chocho'gui basic intervention gi menus na equipment.

§ 140-50.3 – 002907 *Ma'amemenda i subsection 2907(a) whereby subsection (1) ya på'gu subsection (2) yan vice versa, ma'ãomemenda i subsection (1) yan (3) yan ma'ãomemenda nuebu na subsection (4) yan (5), ya mana'susuha i subsections (b) yan (c) yan subsection (d) ni på'gu (b) yan ma'ãomemenda nuebu na subsections (c) yan (d) gi Regulasion siha para Emergency Medical Responders, Emergency Medical Technicians, Advanced Emergency Medical Technicians yan Emergency Medical Technicians-Paramedic*

**§ 140-50.3 -2907** Dinimânda siha para i Licensure– Emergency Medical Technician (EMT). Tâya' indibiyuât debi u siña chumo'gui ni para u fama' EMT solu malisensia ginin i Kuetpu. I aplikânti ni para u praktika kumu EMT debi na putlumenus disi'otchu (18) âñus idât-ña, u sudidânun U.S. pat national lawfully entitled ni para u sâga yan u facho'chu gi halum CNMI, yan ha meet i sigienti na dinimânda siha:

(a) I aplikânti debi na u na'hålum i ebidensia gi unu na sigienti :

(1) I present na settifikasion ginin NREMT kumu i NRAEMT; pat

(2) I valid, active na lisensia pat settifikasion ginin i U.S. state pat territory ni para u praktika kumu EMT; pat

(3) I settifiku ni a'annuk na munhåyan i kinumplidu gi mås current EMT – Basic National Standard Curriculum ni macho'gui ni NHTSA, i U.S. Department of transportation , fina'nå'gui ni inaprueba ni EMS curriculum provider yan makumpli i course gi halum i dos(2) âñus ântis di inaplika para i licensure; yan

(4) I settifiku ni a'annuk na munhåyan i kinumplidu gi EMT curriculum pat training program ni inaprueba ni U.S. state pat territory ni ha meet pat ha exceed i mås current National Standard Curriculum para EMT ni macho'gui ni NHTSA, para iyon-ña linisensia pat dinimândan settifikasion ni ma'aprueba ni Kuetpu yan makumplidu i course gi halum i ma'pus dos âñus ântis di inaplika para licensures; yan

(5) I dokumentu ni a'annuk i pinâsa gi NREMT's EMT – Bacis examinations ni kumplidu gi halum i dos âñus tâtti ântis di inaplikan licensures; yan

(b) I aplikânti debi na u na'hålum i ebidensia gi current yan valid na kinumplidu gi Basic Cardiac Life Support (CPR) course ni para i health care providers gi halum dos âñus tâtti ântis di para inaplika pat i rinunueban lisensia.

(c) Yanggin iyom-mu initial EMT – B curriculum pat training program makumpli mås ki dos âñus tâtti yan un maintained licensure gi EMT level, debi na un na'hålum i dokumentu ni a'annuk i kinumplidu gi EMT refresher program ni finanå'gui ni ma'aprueba ni EMS curriculum provider gi halum i dos âñus tâtti yan successfully completing i cognitive yan psychomotor examinations. Yanggin iyom-mu initial EMT-B curriculum pat training program makumpli mås ki dos âñus tâtti yan ti un gained state licensure gi EMT level, debi na un kumpli i mås current na EMT-Basic National Standard Curriculum ni macho'gui ni NHTSA, U.S. Dipattamentun Transpottasion, ni mafa'nå'gui ni inaprueban EMS curriculum provider pat i EMT curriculum pat training program ni inaprueba ni U.S. state pat territory ni ha meet pat ha exceed i mås current na National Standard Curriculum para i EMT ni macho'gui ni NHTSA, para i lisensiån-ña pat dinimândan settifikasion ni inaprueba ni Kuetpu yan ha kumpli i cognitive yan psychomotor examinations.

**(d) I EMT's Scope of Practice - I primary na focus gi Emergency Medical Technician i para u pribeniyi basic emergency medical care yan transpottasion para i mangkritikât yan emergent na manmalângu siha ni gai access ni sisteman emergency medical. Esti na indibiyuât gai basic knowledge yan skills ni para u pribeniyi patient care yan transpottasion. I Emergency Medical Technicians fumungcion kumu pãtti gi comprehensive EMS response, gi papa' medical oversight. I Emergency Medical Technicians ha cho'gui interventions ni i basic equipment ni guaha gi ambulance. I Emergency Medical Technicians ha link ginin i lugât guatu gi emergency health care system.**

*§140-50.3 – 002908 Ma'amemenda i Seksiona 2908 (a) guini na subsection (1) ni pã'gu subsection (2) yan vice versa, ma'amemenda i subsections (1) yan (3) yan ma'ãomenta i nuebu na subsection (4) yan (5), mana'susuha i subsections (b) yan (c) yan i subsection (d) ya pã'gu (b) yan ma'ãomenta i nuebu na subsections (c) yan (d) gi Regulasion siha para i Emergency Medical Responders, Emergency Medical Technicians, Advanced Emergency Medical Technicians yan Emergency Medical Technicians-Paramedic*

**§ 140-50.3 - 2908 Dinimãnda siha para i Licensure – Advanced Medical Technician (AEMT):** Tãya' indibiyuât debi u siña chumo'gui ni para u fama' AEMT solu malisensia ginin i Kuetpu. I aplikãnti ni para u praktika kumu AEMT debi na putlumenus disi'otchu (18) ãñus idãt-ña, u sudidãnun U.S. pat national lawfully entitled ni para u sãga yan u facho'chu gi halum CNMI, yan ha meet i sigienti na dinimãnda siha:

- (a) I aplikãnti debi na u na'hãlum unu na ebidensia gi sigienti:
- (1) I current na settifikasion ginin i NREMT asikumu i NRAEMT; pat**
  - (2) I valid, active na lisensia pat settifikasion ginin i U.S. state pat territory ni para u praktika kumu i AEMT; pat**
  - (3) I settifikasion ni a'annuk na kumplidu gi mãs current na AEMT National Standard Curriculum ni macho'gui ni NHTSA, U.S. Dipattamentun Transpottasion, ni mafa'nã'gui ni ma'aprueba ni EMS curriculum provider yan makumpli i course gi halum i dos ãñus tãtti ãntis di inaplika para i licensure; pat**
  - (4) I settifiku ni a'annuk na kumplidu i AEMT curriculum pat training program ma'aprueba ni U.S. state pat territory ni ha meet pat ha exceed i mãs current National Standard Curriculum para i AEMT ni macho'gui ni NHTSA, para i liseniãn-ña pat dinimãndan settifikasion ni ma'aprueba ni Kuetpu yan makumpli i course gi halum i dos ãñus tãtti ãntis di inaplika para i licensure; yan**
  - (4) I dokumentu ni a'annuk i ebidensian pinãsa gi NREMT's AEMT examinations ni makumpli gi halum i dos ãñus tãtti ãntis di inaplika i licensure; yan**
- (b) **I aplikãnti debi na u na'hãlum ebidensia gi current yan valid na kinimplidu gi Basic Cardiac Life Support (CPR) course para i health care providers gi halum dos ãñus tãtti ãntis di inaplika pat rinunueban i lisensia.**

(c) Yanggin iyom-mu initial AEMT curriculum pat training program mäs ki dos äñus tätti van un maintained i licensure gi AEMT level, debi na un na'hålum i dokumentasion ni a'annuk na kumplidu gi AEMT refresher program ni mafa'nå'gui ni ma'aprueba ni EMS curriculum provider gi halum i dos äñus tätti yan i kinimplin i cognitive van psychomotor examinations. Yanggin iyom-mu initial AEMT curriculum pat training program kumplidu mäs ki dos äñus tätti van ti un gained i state licensure gi AEMT level, debi na un kumpli i mäs current AEMT National Standard Curriculum ni macho'gui ni NHTSA, U.S. Dipattamentun Transpottasion, ni mafa'nå'gui ni ma'aprueba ni EMS curriculum provider pat AEMT curriculum pat training program ni ma'aprueba ni U.S. state pat territory ni ha meet pat ha exceed i mäs current na National Standard Curriculum para i AEMT ni macho'gui ni NHTSA, para i liseniän-ña pat i dinimåndan settifikasion ni ma'aprueba ni Kuetpu yan kumplidu i cognitive van psychomotor examinations.

(d) I AEMT's Scope of Practice - I primary fokus gi Advanced Emergency Medical Technician para u pribeniyi basic yan minidi na advanced emergency medical care yan transpottasion pat i mangkritikåt yan emergent na manmalångu siha ni gai access gi emergency medical system. Esti na indibiyuåt ha chuli' i basic knowledge van skills ni nisisåriu na u pribeniyi i malångu care yan transpottasion. I Advanced Emergency Medical Technicians fumungsiön kumu pätti gi comprehensive EMS response, gi papa' i medical oversight. I Advanced Emergency Medical Technicians ha cho'gui interventions gi basic van advanced equipment ni guaha gi ambulance. I Advanced Emergency Medical Technician ha link gui' ginin i lugåt guatu gi emergency health system.

*§ 140-50.3 – 002909 Ma'amemenda i Seksiona 2909 (a) whereby subsection (1) ni på'gu subsection (2) yan vice versa, ma'amemenda i subsections (1) yan (3) yan ma'åomenta nuebu na subsection (4) yan (5), mana' susuha i subsections (b) yan (c) yan i subsection (d) på'gu (b) yan ma'åomenta nuebu na subsections (c) yan (d) gi Regulasion siha para Emergency Medical Responders, Emergency Medical Technicians, Advanced Emergency Medical Technicians yan Emergency Medical Technicians-Paramedic*

**§ 140-50.3 -2909 Dinimånda siha para Licensure – Emergency Technician-Paramedic (EMT-P)**  
Ni un indibiyuåt siña u fa'EMT-P gui' solu atyu na indibiyuåt malisensia kumu EMT-P ya debi na disi'otchu(18) äñus idåt-ña, U.S. citizen pat national lawfullu entitled para u säga yan u facho'chu' gi halum CNMI, yan u meet i sigienti na dinimånda siha:

(a) I aplikånti debi u na'hålum ebidensia gi unu gi sigienti:

(1) I current na settifikasion ginin i NREMT kumu i NREMT-P; pat

(2) I valid, active na lisensia pat settifikasion ginin i U.S. state pat territory pat u praktika kumu EMT-P; pat

(3) I settifikasion u a'annuk na kumplidu i mäs current na EMT – Paramedic National Standard Curriculum ni macho'gui ni NHTSA, U.S. Dipattamentun Transpottasion, ni mafa'nå'gui ni i ma'aprueba ni EMS curriculum provider yan kumplidu i course gi halum dos(2)äñus tätti äntis di inaplikan licensure; pat

(4) I settifiku a'annuk na kumplidu i EMT-P curriculum pat training program ni ma'aprueba ni U.S. state pat territory ni ha meet pat exceed i mäs current National Standard Curriculum para EMT-P ni macho'gui ni NHTSA, para iyon-ña licensing pat dinimåndan settifikasion ni ma'aprueba ni Kuetpu yan kumplidu i course gi halum i dos(2) äñus tätti äntis di inaplikan licensure; yan

(5) I dokumentu ni a'annuk i ebidensia gi passage i NREMT-P na kumplidu i eksaminasion siha gi halum i dos(2) años tãtti åntis di inaplikan licensure; yan

(b) I aplikãnti debi u na'hålum ebidensia gi current yan kumplidu kabålis gi Basic Life Support (CPR) course para i health care providers gi halum i dos(2) años tãtti åntis di inaplikan pat rinunuenueban i lisensia.

(c) Yanggin iyom-mu initial EMT-P curriculum pat traing program kumplidu mås ki dos(2) años tãtti yan un maintained licensure gi EMT-P level, debi un na'hålum i dokumentu ni a'annuk na kumplidu gi EMT-P refresher program ni mafa'nå'gui ni ma'aprueba ni EMS curriculum provider gi halum dos(2) años tãtti yan successfully completing i cognitive yan psychomotor examinations. Yanggin iyom-mu initial EMT-P curriculum pat training program makumpli mås ki dos(2) años tãtti yan tåya' na un gained i state licensure gi EMT-P level, debi na un kumplidu interimienti mås i current EMT-Paramedic National Standard Curriculum ni macho'gui ni NHTSA, U.S. Dipattamentun Transpottasion, ni mafa'nå'gui ni ma'aprueba ni EMS curriculum provider pat i EMT-P curriculum pat training program ni ma'aprueba ni U.S. state pat territory ni ha meet pat ha exceed i mås current National Standard Curriculum para EMT-P ni macho'gui ni Kuetpu yan kumplidu i cognitive yan psychomotor examinations.

(d) EMT-P's Scope of Practice - I paramedic ni umachuli' yan i health professional ni primary focus para u pribeniýi advanced emergency medical care para i mangkritikåt yan emergent na manmalångu siha ni gai access gi sisteman emergency medical. Esti na indibiyuåt gai complex knowledge yan skills ni nisisåriu para u pribeniýi patient care yan transpottasion. I funksion i Paramedics kumu pãtti gi comprehensive EMS response, gi papa' i medical oversight. I Paramedics ha chocho'gui interventions gi basic yan advanced equipment ni siña masodda' gi halum i ambulance. I Paramedic ha link gui' ginin i lugåt asta i sisteman i health care.

*§140-50.3 – 002914 Ma'amemenda i subsection (a) asta i (4), ma'amemenda i subsection (c) yan mana'hålum i nuebu na subsections ni para i (d) yan (e) yan mata'lun malelettra i pumalu gi subsections gi Regulasion siha para i Emergency Medical Responders, Emrgency Medical Technicians, Advanced Emergency Medical Technicians yan Emergency Technicians-Paramedic*

**§ 140-50.3 – 2914 Continuing Education (CE).**

**(a) Todu EMR, EMT, AEMT, pat EMT-P ni malisensia para u mapraktika gi halum CNMI ni manmadimånda para u kumpli i sigienti refresher courses pat i CE hours, kumu prerequisite ni para i rinunueban iyon-ña biennial license:**

**(1) EMR:**

**(i) Kinumplidun i ma'apruuban DOT National Standard First Responder/EMR refresher pat CECBEMS ni ma'aprueba na refresher course;**  
**pat**

**(ii) 12 oras gi ma'aprueba na continuing education hours ni debi u inklusu i sigienti asuntu siha yan i ora ni malista:**

- (1) Preparasion – Un (1)na ora
- (2) Airway – dos (2) oras
- (3) Patient Assessment – dos(2) oras
- (4) Circulation – tres (3) oras
- (5) Minalângu yan Chetnudan – tres (3) oras
- (6) Fina’ñâgu yan Famagu’un – un (1) na ora

**(2) EMT:**

(i) Kinumplidun i ma’aprueba na benti kuåttro(24 ) oras gi DOT National Standard EMT-B/EMT refresher pat i CECBEMS ni ma’aprueba na refresher course; yan

(ii) Kinumplidun i kuarentai’otchu(48) oras ni ma’aprueba na continuing education hours ni debi u ingklusu gi sigienti asuntu siha yan ora ni malista:

- (1) Preparasion – Un na ora (1)
- (2) Airway – dos oras (2)
- (3) OB, Manneni, Famagu’un – dos oras (2)
- (4) Patient Assessment – tres oras (3)
- (5) Medical/Behavior kuåttru oras (4)
- (6) Trauma – kuåttru oras (4)
- (7) Elective – otchu oras (8)

(iii) Disisais (16) oras maximum anai siña ma’aplika ginin i kada sigienti courses: ABLs, AMLS, BTLs, NALS, PEPP, PHTLS, and PPC;

(iv) Dossi (12) oras maximum anai siña ma’aplika ginin i kada sigienti courses: Teaching CPR, Emergency Driving pat Dispatch Training; yan

(v) Bentikuåttru (24) oras maximum mineggaiña gi CECBEMS ni ma’aprueba i Distributive Education siña ma’aplika para i dinimânda siha gi continuing education;

(vi) Bentikuåttru (24) oras maximum ni siña ma’aplika mäs asta i continuing education hours ginin i college level courses ni manachuli’ yan i EMS. Esti siha na courses ingklusu lăo ti minidi para: Anatomy/Physiology, Pharmacology, Cellular Biology, Chemistry, Psychology, yan Microbiology; yan

(vii) Oras ginin i sigienti na courses siña ma’aplika ora asta ora ni u tâya’ maximum: Advanced Trauma Life Support, Refresher Courses Instruction yan Wilderness EMS Training.

**(3) AEMT:**

(i) Kinumplidu gi ma’aprueba na trentaisais (36) oras gi DOT National Standard AEMT refresher pat CECBEMS ni ma’aprueba na refresher course; yan



(ii) Kinumplidu gi trentaisais (36) oras ni mäs ni ma'aprueba gi continuing education hours ni debi na u ingklusu gi sigienti asuntu siha van oras ni malista:

(1) Mandatory Core Content:

- a) Airway, Breathing, van Cardiology – Sais (6) oras
- b) Medical Emergencies – dos (2) oras
- c) Trauma – kuättru (4) oras
- d) Obstetrics van Pediatrics – sais (6) oras

(2) Flexible Core Content:

- a) Airway, Breathing, van Cardiology – sais (6) oras
- b) Medical Emergencies – kuättru (4) oras
- c) Trauma – un (1) na ora
- d) Obstetrics van Pediatrics – sais (6) oras
- e) Operational Tasks – un (1) na ora

(iii) Dossi (12) oras maximum anai siña inaplika ginin kada sigienti courses: ABLS, ACLS, AMLS, BTLs, ITLS, NALS, PALS, PEPP, PHTLS, PPC, van i fina'nä'guin EMS courses;

(iv) Dossi (12) oras maximum siña inaplika ginin kada sigienti courses: Teaching CPR, Emergency Driving pat Dispatch Training;

(v) Disi'otchu (18) oras maximum gi CECBEMS ni ma'apruuban i Distributive Education siña inaplika i dinimända para i continuing education;

(iii) Disi'otchu (18) oras maximum siña inaplika para i college courses ni ma'achuli' van iyom-mu role kumu i EMS professional. Esti na courses siha ha ingklusu läo ti minidi para: Anatomy, Physiology, Biology, Chemistry, Microbiology, Pharmacology, Psychology, Sociology, van Statistics;

(iv) Oras ginin sigienti na courses siña inaplika ora asta ora ya täya' maximum: Advanced Trauma Life Support, EMS Course Instruction, van Wilderness EMS Training.

**(4) EMT – P:**

(i) Kinumplidun i inaprueba na kuarentai'otcho (48) oras ni DOT National Standard EMT- P/ Paramedicc refresher course; pat

(ii) Kinumplidun i ma'aprueba na continuing education ni parehu para i refresher course; van

(ii) Kinumplidun i ma'aprueba na continuing education hours ni debi na u ingklusu i sigienti na asuntu siha van oras ni malista:

1. Mandatory Core Content:
  - a) Airway, Breathing van Cardiology – otchu (8) oras
  - b) Medical Emergencies – tres (3) oras
  - c) Trauma – singku (5) oras
  - d) Obstetrics van Pediatrics – otchu (8) oras
2. Flexible Core Content:
  - a) Airway, Breathing, van Cardiology – otchu (8) oras
  - b) Medical Emergencies – singku (5) oras
  - c) Trauma – un (1) na ora
  - d) Obstetrics van Pediatrics – otcho (8) oras
  - e) Operational Tasks – un (1) na ora

(iii) Dossi (12) oras maximum siña inaplika ginin kada sigienti na courses: ABLs, ACLS, AMLS, BTLS, ITLS, NALS, PALS, PEPP, PHTLS, YAN EPC;

(iv) Dossi (12) oras maximum siña inaplika ginin i kada sigienti na courses: Teaching CPR, Emergency Driving pat Dispatch Training;

(v) Dossi (12) oras maximum gi ma'aprueba na CECBEMS Distributive Education siña naplika para i dinimânda siha gi continuing education;

(iii) Disi'otchu (18) oras maximum siña inaplika para i college courses ni u machuli' van iyom-mu role kumu EMS professional. Esti na courses ingklusu lão ti minidi para: Anatomy, Physiology, Biology, Chemistry, Microbiology, Pharmacology, Psychology, Sociology, van Statistics; van

(iv) Oras ginin i sigienti na courses siña inaplika ora asta ora sin maximum: Advanced Trauma Life Support, EMS Courses Instruction, van Wilderness EMS Training.

(c) I aktibidât siha gi continuing education ma'aprueba ingklusu lão ti minidi para, i sigienti: i National Standard Curriculum van i refresher courses ni macho'gui ni NHTSA para i ma'ispisifika na level gi training i EMS personnel; courses pat training program ma'aprueba ni U.S. state pat territory ni ha meet pat ha exceed i mãs current National Standard Curriculum ni macho'gui ni NHTSA; courses, workshops, seminars, training programs, pat online CE's ni ma'aprueba ni i Continuing Education Coordinating Board para i EMS (CECBEMS); American Health Association Basic Life Support; Advanced Cardiac Life Support van Pediatric Advanced Life Support courses; American Academy of Pediatrics Pediatric Education courses; van i American College of Surgeons Trauma Life Support courses.

(d) Courses ni ti siña inaplika kontra i CE hours man: clinical rotations, CPR, prugãman home study siha, instructor courses, management/leadership courses, performance of duty, mañeñetbi kumu skill examination, van oran mambuluntãriu van i ahensia siha.

**(e) I indibiyuât ni miembru gi reserves ya ma-deployed gi active duty gi rãmas i Armed Forces gi United States ni expired i lisençiã-ña CNMI gi durãntin i tiempu anai i indibiyuât gaigi gi active duty pat menus ki sais(6) mesis ginin i fetcha i indibiyuât ma-deactivated/released ginin i active duty, siña manã'i extention gi fetchan expiration gi lisençian indibiyuât para hulu' gi sais(6) mesis ginin i fetchan gi indibiyuât na deactivation/release ginin i active duty gi anai siña para u rinueba i dinimãnda siha para i lisençian indibiyuât ni u tattivi i lai gi sigienti:**

**(i) Para u pribeniyi dokumentasion ginin i respective na rãmas Armed Forces gi United States ni ha apreprueba i fetchan activation gi indibiyuât gi deactivation/release ginin i obligasion.**

**(ii) Yanggin tâva' linachi gi halum i licensure, u mapribeniyi dokumentasion ni a'annuk na i dinimãndan CE siha ni mana'hãlum para i tiempun rinunueba ti manmachuli' latãftaf ki trenta(30) diha gi fetchan kalendãriu ãntis di fetchan ifektibu gi lisençian indibiyuât ni valid gi anai i indibiyuât ma'-activated gi para i duty yan ti u mãs ki sais(6) mesis ginin i fetchan i deactivation/release ginin obligasion.**

*§ 140-50.3 – 2915 Mana'hãhalum i nuebu na subsections ni para i (b), (c) ni ma'amemenda i subsections (g) yan mata'lun malettra i subsections gi Regulasion siha para i Emergency Medical Responders, Emergency Medical Technicians, Advanced Emergency Medical Technicians yan Emergency Medical Technicians-Paramedic*

**§ 140-50.3 -2915 Rinunueba.**

**(a) Todu lisençia siha ni manmalaknus ni Kuetpu ya expire dispues di dos ãñus i sigienti na linaknus pat rinunueba esta ti bumãli dispues atyu na fetcha.**

**(b) Todu rinunueban manmalisençia debi na u actively practicing iyon-ña licensure level gi durãntin i dos (2) ãñus tãtti ãntis di expiration ifetchan lisençia.**

**(c) Todu rinunueban manmalisençia debi na u na'hãlim i current yan valid re-settification ginin NREMT pat ebidensian kinumplidu gi refresher courses yan/pat i continuing education kumu madimãnda gi papa' § 140-50.3 – 2914.**

**(d) Todu rinunueban manmalisençia debi na u mana'hãlum ebidensia gi current yan valid na kinumplidu gi CPR course pat ottru health care provider's course ni madimãnda para i licensure ni makumpli gi halum i dos (2) ãñus tãtti ãntis di rinunueban i lisençiã-mu.**

**(e) Kada malisençia debi na u risponsãpbli ni para u na'hãhalum i makumpli na rinunueban aplikasion putlumenus ochentaikuãttru (84) dihas ãntis di fetchan expiration. I Kuetpu debi na u na'hãnão, gi mail pat email, i nutisia para kada petsona ni malisençi guini ni manã'i fetchan expiration yan i apas yan maseha hãfa mãs madimãnda gi para i rinunueba guihi.**

**(f) Bentisingku (\$25.00) pesus para u matãsa i atrasão gi kada primet diha gi mes dispues di fetchan expiration.**

- (g) I lisensia siha ni man-expired ni diskuidun para u rinueba gi pat ántis di madimánda na fetch siña ma-reinstated gi halum un áñu gi fetchan expiration láo debi na u meet todú initial pat refresher courses yan continuing education kumu madimánda gi papa' i § 140-50.3-2914 yan i apas i rinubueba yan ápas atrasáo siha gi kada mes gi kalendáriu estaki i apas rinunueba ma'apási. Kada i malisensia ni expired i lisensia yan lapsed gi más ki un áñu gi failure para u rinueba debi na u file i nuebu na aplikasion, u meet i current na dinimánda siha para i licensure, yan u marisibi inaprueban i Kuetpu.

§ 140-50.3 – 002917 *Ma'amemenda esti na seksiona gi Regulasion siha para Emergency Medical Responders, Emergency Medical Technicians, Advanced Emergency Medical Technicians yan Emergency Medical Technicians-Paramedics*

**§ 140-50.3 -2917 National Standard Curriculum**

I kuetpu ha rikuknisa i National Standard Curriculum ni macho'gui gi papa' i auspices gi U.S. Dipattamentun Transpottasion, National Highway Traffic Safety Administration ni para i ma'ispisifika i level of training gi EMS personnel. I current National Standard Curriculum (NSC) debi na uma'usa kumu giniha para i development gi todú EMS training curriculum. I Kuetpu lokkui' ha rikuknisa i National EMS Education Program Accreditation, National EMS Certification yan maseha háfa na amendasion siha guini gi para i standards, ni siña ma'ahenta gi <http://www.nremt.org>.

**§ 140-50.3 – 2918 Oath yan Code of Ethics**

I Kuetpu ha adápta, kumu mohun fully set out guini yan to the extent na ti conflict yan i lain CNMI, areklamentu, yan regulasion siha, i National Association of Emergency Medical Technicians (NAEMT) Oath yan Code of Ethics ni siña ma'ahenta gi <http://www.naemt.org>.

§140-50.3002920 *Ma'amemenda esti na seksion gi Regulasion siha para Emergency Medical Responders, Emergency Medical Technicians, Advanced Emergency Technicians yan Emergency Medical Technicians-Paramedics*

**§ 140-50.3 -2920 Disciplinary Action.**

(a) I Kuetpu debi na u gai fuetsa para u impose administrative penalties yan/pat reprimands; revoke pat suspendi, rinunsia para u laknus, restore pat rinueba, i lisensia gi maseha háyi na petsona ni masodda' na umisáo gi unu pat más na violations sigun gi § 2224 gi P.L. 15-105 yan §§ 140-50.3 – 00901 - 1300 gi regulasion siha, ingklulusu, láo ti minidi para i sigienti:

(1) Knowing pat willful violation gi patient privacy pat i kunfidensiát gi nina'hânáo imfotmasion para i petsona siha ni ti direktamenti sumánáo gi halum i care pat treatment i patient;

(2) Usun illegal drug use on pat off duty;

(3) Usun atkahot gi halum otchu(8) oras gi anai machocho'chu' pat mientras on duty pat gi on-call status;

(4) Violation gi verbal orders, either direktamenti pat gi radio pat tilifone, ginin i physician ni risponsápbli para i care of a patient;

(5) Usun i invasive medical procedures gi violation henerát ni accepted standards gi medical community;

(6) Maseha háfa na aksion ni ha constitutes i violation gi maseha háfa n lain CNMI, municipal code, pat regulasion siha ni piligru para i publiku, ottru public safety officials, ottru EMS personnel, ingklulusu ti propiu na operasion gi emergency medical vehicle;

(7) Instructing, causing pat kumuntritribiut para ottru indibiyuát ni violating i estatua pat regulasion siha ni ingklulusu ottru EMS personnel acting gi supervisory capacity;

(8) Pattisipasion gi linaknus i latchi na dokumentu siha gi continuing education pat collaboration guihi, ingklulusi i linaknus i continuing education verification gi unu ni ti legitimately ha atendi i aktibidát i continuing education;

(9) Finitma hálum gi aktibidát continuing education para i petsona ni ti presentí magáhit;

(10) Ha tungu' manasisti pat ha sesedi ottru na EMS personnel para u exceed iyon-ña lawful scope of practice;

(11) Mapribi i usun i kandit yan siren gi karetan emergency;

(12) Responding gi scenes ni i malisensia ti propiu ha dispátcha i ("call-jumping"), parehu gi karetan private, ambulance, pat ottru kareta, gi contravention gi local protocols, procedures, pat ordinances, pat interfering yan i safe yan ifektibu na operasion gi sisteman EMS.

(13) Dinigeru gi maseha háfa na eksaminasion ni ma'usa para u mamidi i EMS related knowledge pat skills;

(14) Inasisti gi ottru petsona gi inahentan i un fair advantage gi EMS related examination;

(15) Knowingly i prinebiniyi emergency medical care aboard gi ti malisensia na ambulance;

**(16) Finattu gi che'chu impaired pat gi kundision anai i malisensia u impaired ginin fatigue, minalangu, pat maseha hafa na cause, kumu para ti u na'safu' para i malisensia ni para u tutuhun u operate i ambulance pat u pribeniyi i patient care; yan**

**(17) Maseha hafa na violation gi P.L. 15-105 yan i Regulasion siha para i Emergency Medical Responders, Emergency Medical Technicians, Advanced Emergency Medical Technicians yan Emergency Medical Technicians-Paramedic pat i regulasion ni ginibebetna i ambulances pat i sisteman CNMI EMS.**

Commonwealth of the Northern Mariana Islands  
HEALTH CARE PROFESSIONS LICENSING BOARD  
P.O. Box. 502078, #1242 Pohnpei Court  
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**ARONG REEL POMWOL AMENDÁÁ NGÁLI ALLÉGHÚL HEALTH CARE PROFESSIONS LICENSING BOARD REEL EMERGENCY MEDICAL RESPONDERS, EMERGENCY MEDICAL TECHNICIANS, ADVANCED EMERGENCY MEDICAL TECHNICIANS ME EMERGENCY MEDICAL TECHNICIANS-PARAMEDICS**

**MÁNGEMÁNGIL MWÓGHUT YEEL BWE EBWE ADAPTÁÁLI POMMWOL ATIWLIGH KKAAL:**

Health Care Professions Licensing Board (HCPLB) emwuschel ebwe adaptááli me aleshú ló atiwlich kka e appasch bwe Proposed Regulations, sáangi mwóghutughutul Administrative Procedure Act, 1 CMC § 9104(a). Sáangi 1 CMC §9104(a), atiwlich kka ebwe bwunguló 10 ráál mwiril yaar atabwey alleghul 1 CMC §§ 9102 me 9104(a)me ngare (b) (1 CMC§9105(b))

**BWÁNGIL:** Health Care Professions Licensing Board nge eyoor bwángil ebwe akkaté allégh kkaal me ghitipwotchuw allégh kkaal sangi P.L. ye 15-105, Talil 3, § 2206 (b), igha e amenda.

**KKAPASAL ME AWEWEEL:** HCPLB ebwe amenda li atiwlich kkaal reel ebwe asiguru li bwe applicants re atabwey requirement il national standard curriculum me ngare meta iye e wewe ngali me re akkabwung mereel eschay certified instructors; ebwe amendá yaal continuing education number or required hours me required courses reel eew level il licensure; ebwe amenda renewal requirement me ebwe apasch llong bwal akkaw violations kka e related ngali emergency medical services personnel.

**KKAPASAL ME ÓUTOL:** Pomwol amenda ngali allégh kkal:

- (1) §140-50.3-00291 Faal: Isisilongol eew subsection fée, amwóy llól subsection (q) me rebwe re-letter li alongal subsections llol allégh kkaal.
- (2) §140-50.3-002906 EMR Requirements: Amendáli Section 2906 (a) igha subsection (1) ebwe le subsection (2) and vice versa, amendáli subsection (1) me (3) me ebwe apasch llong eew fée subsection (4), amwóy subsection (b) me (c) subsection (d) ebwe subsection (b) me appasch llong eew feel subsection (c) me (d) reel allégh yeel.
- (3) §140-50.3002907 EMT Requirements: Amendáli Section 2907 (a)subsection (1) ebwe le subsection (2) vice versa, amendali subsection (1) me (3) appaschlong eew feel subsection (4), amwóy subsection (b) (c) igha subsection (d) ebwe subsection (b) me appaschlong feel subsection (c) me (d) reel allégh yeel.
- (4) §140-50.3002908 AEMT Requirements: Amendáli Section 2908 (a)subsection (1) ebwe subsection (2) vise versa, amenda li subsections (1) me (3) appaschlong eew fée subsection (4),

amwoy subsection (b) me (c) nge subsection (d) ebwe le (b) me appaschlong eew feel subsection (c) me (d) reel allégh yeel.

- (5) §140-50.3-002909 EMT-P Requirements: Amendali Section 2909 (a) igha subsection (1) ebwe le subsection (2) vice versa, amendali subsection (1) me (3) ebe appaschlong eew féél subsection (4), amwóy subsection (b) me (c) subsection (d) ebwe le subsection (b) me appaschlong eew féél subsection (c) me (d) llóí allégh yeel.
- (6) §140-50.3-002914 Continuing Education: Amedáli subsection (a) (1) ngali (4), amendáli subsection (c) me apaschlong eew féél subsection lye ebwe (d) me (e) me ebwe re-letter alongal lusul subsections il allégh kkaal.
- (7) §140-50.3-002915 Féér Sefal: Appasch llong eew féél subsection iye ebwe (b), (c) me (d) amendáli subsection (g) me ebwe re-letter subsections il alléghúl Emergency Medical Responders, Emergency Medical Technicians, Advanced Emergency Medical Technicians me Emergency Medical Technicians-Paramedics.
- (8) §140-50.3-002917 National Standard Curriculum. Ebwe Amenda section yeel reel Allégh yeel.
- (9) §140.50.3-002920 Disciplinary Actions: Ebwe Amenda section yeel reel Allégh yeel.

**AFALA REEL AMWELIL ME ARONGOWOWUL:** Board ekke tittingor mángemángiir toulap reel pomwol lliwel kkal iye rebwe bwughil llól eliigh ráál ngare schagh aa akkatééló llól Commonwealth Register. Schóó kka re remuschal copy-il pomwol amenda kkal emwel rebwe faingi numero ye 664-4809 me ngare email [bpl@pticom.com](mailto:bpl@pticom.com) me ngare mweteló reel bwulasiyo Bldg 1242, Pohnpei Ct., Capital Hill, Seipel. Ischil mángemáng ebwe isisilong llól bwulasiyo me ngare afanga ngali BPL, P.O. Box 502078, Seipel, MP 96950.

Isáliiyalong: Ahmad Al-Alou  
Ahmad Al-Alou, MD  
HCPLB Acting Chairman

6/28/13  
Ráál

Mwir Sáangi: \_\_\_\_\_  
Esther S. Fleming  
Special Assistant for Administration

\_\_\_\_\_  
Ráál

Amwel Sáangi: \_\_\_\_\_  
Esther M. San Nicolas  
Commonwealth Register

\_\_\_\_\_  
Ráál



Sáangi 1 CMC § 2153(e) Allégh kkaal a lléghló sáangi AG bwe e fil reel fféerúúl me 1 CMC §9104(a)(3)(mwiir sáangi AG)Pomwol atiwligh kkal a appaschlong a takkal amwuri fiischiy, me angúungú ló fféerúl me legal sufficiency sáangi CNMI Attorney General me ebwele akkatewoow, 1 CMC §2153(f) (Arongowowul allégh me atiwligh kkaal.

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Joey P. San Nicolas  
Attorney General

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Ráll

**§140-50.3-002900 Peigh 2900, EMERGENCY MEDICAL RESPONDERS, (EMR), EMERGENCY MEDICAL TECHNICIANS (EMT), ADVANCED EMERGENCY MEDICAL TECHNICIANS (AEMT), ME EMERGENCY MEDICAL TECHNICIANS-PARAMEDICS (EMT-P)**

§140-50.3-002901 Appaschlong eew feel subsection, amwóy subsection (q) me re-letter li alongal subsection llol atiwligh yeel reel Emergency Medical Responders, Emergency Medical Technicians, Advanced Emergency Medical Technicians me Emergency Medical Technicians-Paramedic

**§140-50.3-2901 Faal**

**(a) "ABLS" faal nge Advanced Burn Life Support.**

**(b) "ACLS" faal nge Advanced Cardiac Life Support.**

**(e) "AHA" faal nge Amercian Hear Association" eew non-profit organization llól U.S. iye e ayoora certification kka re acceptali inamwo iya ngalirr health care providers reel rebwe effectively respond ngali life-threatning cardiac events.**

**(f) "ARC" faal nge American Red Cross" eew humanitarian organization iye e ayoora alilis reel emergency, disaster relief me health, safety education llól U.S. me yaal territories. American Red Cross e ayoora first aid, Cardiopulmonary resuscitation (CPR), Automated external defibrillator (AED), water safety me lifeguarding, leghileghil ghóóghó, disaster preparedness, me home safety training llól United States.**

**(g) "AMLS" faal nge Advanced Medicine Life Support.**

**(h) "Approved EMS Curriculum" Faal nge yaar curriculum alonger EMS iye re apreba li mereel Board ikka e llo faal:**

**(1) National Standard Curriculum e féér faal amwelil U.S. Department il Transportation, National Highway Traffic Safety Administration reel level il training il EMS personnel igha e affat; ngare**

**(2) EMS curriculum me training program iye e apreba mereel eew U.S. state ngare territory iye e meet li ngare alú sang NSC reel licensure level iye re ayoora mereel NHTSA, reel yaal licensing me certification requirement me apreba mereel Board.**

**(i) "Approved EMS Curriculum Provider" faal nge eew public ngare private entity e apreba mereel Board bwe ebwe ayoora EMS curriculum me progrómal training. Maale re apreba l ebwe ayoora EMS curriculum nge ebwe eschay iye:**

**(1) Schóól afal ebwe licensed ngare EMT, AEMT,EMPT-P llol ruwoow ragh reel level iye ebwe afala.**

(2)Schóól afal ebwe atakkaló EMT Instructor Course mereel National Association reel EMS Educators me ngare eew organization iye re apreba li mereel Board me refresher course alongal ruwoow ragh me e current reel latest DOT curriculum; ngare

(3) EMS curriculum provider re apreba li mereel eew U.S. state, territory me Board: me

(4)EMS curriculum provider iye re apreba li ebwe abwari evidence reel valid me current certificate ngare kkaata bwe I eschay EMS instructor; me

(5)Schóól afal reel BLS, ACLS me bwal akkaw health care provider courses ebwe bwal ayooora yaal valid me current card iye e abwari bwe I eschay schóól afal reel health care provider courses.

(k) "BTLS" faal nge Basic Trauma Life Support.

(r) "EMS" faal nge emergency medical services

(u) "EPC" faal nge Emergency Pediatric Care

(v) "ITLS" faal nge International Trauma Life Support.

(w) "NAEMT" faal nge National Association of Emergency Medical Technicians kka re representali me re setbi EMS practioners, e toolong paramedics, emergency medical technicians me emergency medical responders, sangi advocacy, educational programs me research.

(x) "NALS" faal nge Neonatal Advanced Life support.

(cc) "PALS"faal nge Pediatric Advanced Life Support

(dd) "PEPP" faal nge Pediatric Education for Pre-hospital Professionals.

(ee) "PEARS" faal nge Pediatric Emergency Assessment Recognition and Stabilization

(ff) "PHTLS" faal nge Pre-hospital Trauma Life Support

(gg) "PPC" faal nge Pediatri Pre-hospital Care.

§140-50.3002906 Amenda li Section 2906(a) igha subsection (1) ebwe le subsection (2) vise versa, amenda subsection (1) me (3) ebwe appaschlong eew féé subsection (4) me (5), amwóy subsections (b) me (c) me subsection (d) ebwe le subsection (b) me appaschlong eew feel subsection (c) me (d) reel atiwlighil Emergency Medical Responders, Emergency Medical Technician, Advanced Emergency Medical Technician me Emergency Medical Technicians-Paramedics.

**§140-50.3-20906 Requirements il Licensure-Emergency Medial Responder (EMR).**

**Essóór aramas iye ebwe ira bwe l eschay EMR ngare schaagh bwe e lisensia mereel Board. Eschay applicant iye emuschel ebwe EMR nge ebwe seigh me waluuw (18) rághil, U.S. citizen ngare national iye emwal ebwe angaang lloil CNMI me ebwe attabwey requirements kkaal:**

- (a) Applicant ebwe isisilong evidence reel :**
  - (1) current certification sáangi NREMT bwe NREMT-FR; ngare**
  - (2)Valid , active license ngare certification sangi eew U.S. state ngare territory bwe emwel ebwe angaang ngare eschay EMR; ngare**
  - (3)Certificate iye e abwari bwe a attakkaló alongal current First Responder National Stanard Curriculum féér sangi NHTSA, U.S. Department of Transportation, affal sangi eschay EMS curriculum provider iye re apreba li me attakkaló course lloil ruwoow ragh mwal ebwe applika reel licensure; ngare**
  - (4)Certificate il a attakka EMR curriculum ngare progrómmal training iye e apreba mereel U.S. state ngare territory iye e meet ngare alúw First Responder National Standard Curriculum iye e current féér sandi NHTSA, reel yaal licensing me certification requirement kka e apreba mereel Board me e attakka course lloil ruwoow raagh mwal ebwe apply licensure; me**
  - (5)Dokkomento ebwe bwari bwe e pass li NREMT FR examinations lloil ruwoow ragh mwal ebwe apply reel licensure; me**
  
- (b) Applicant ebwe isisilong evidence reel current me valid completion reel CPR course reel health care providers lloil ruwoow ragh mwal ebwe apply ngare renew li license.**
  
- (c) Ngare aeewal yóómw attakkay EMR curriculum ngare training program luu sangi ruwoow ragh nge uschuwel akkamasch yóómw licensure reel level il EMR, ubwe isisilong dokkomentol ebwe bwari bwe wa attakkaló EMR Refresher program mereel eschay EMS curriculum provider iye re apreba lloil ruwoow ragh mwuril me wa attakkaló cognitive me psychomotor examinations. Ngare aeewal yoomw EMR curriculum ngare training program e takk luu sangi ruwoow ragh mwuril nge uuse bwughi state licensure reel EMR level, ubwe attakkaló current First Responder National Standard Curriculum sangi NHTSA, U.S. Department of Transportation, affal sangi eschay EMS curriculum provider iye re apreba li ngare EMR curriculum ngare training iye re apreba li mereel U. S. state ngare territory nge e meet ngare exceed current National Standard Curriculum reel FR féér mereel NHTSA, reel yaal licensing ngare certification requirement iye re apreba l mereel Board me attakkaló cognitive me psychomotor examinations.**
  
- (d) EMR's Scope of Practice- Yaal primary focus Emergency Medical Responder nge rebwe ghomwal pomwoli lifesaving care ngaliir critical patients kka re yááya emergency medical system. Aramas yeel eyoor ghuleyal me skills reel ebwe féérú lifesaving interventions igha rekke aweteweti akkaschey EMS response me bwe alisiir schoo kka re langaló ghuleyer reel scene me durantil transport. Emergency Medical Responders angaang nge bwal sóbwol eew comprehensive EMS response, faal medical oversight. Emergency Medical Responders angaang nge basic interventions reel minimal equipment.**

§140.-50.3-002907 Amendáli Section 2907 (a) igha (1) ebwe le subsection (2) me vice versa, amendáli subsection (1) me (3) appaschlong féé subsection (4) me (5), amwóy subsections (b) me (c) subsection (d) ebwe le (b) appaschlong subsection féé (c) me (d) reel atiwiligh il Emergency Medical responders, Emergency Medical Technicians, Advanced Emergency Medical Technicians me Emergency Medical Technician-Paramedics.

**§140-S0.3-2907 Requirements il Licensure-Emergency Medial Responder (EMR).**

Essóór aramas iye ebwe ira bwe I eschay EMR ngare schaagh bwe e lisensia mereel Board. Eschay applicant iye emuschel ebwe EMR nge ebwe seigh me waluuw (18) rághil, U.S. citizen ngare national iye emwal ebwe angaang llo CNMI me ebwe attabwey requirements kkaal:

**(a) Applicant ebwe isisilong evidence reel :**

**(1) current certification sáangi NREMT bwe NREMT-FR; ngare**

**(2) Valid , active license ngare certification sangi eew U.S. state ngare territory bwe emwel ebwe angaang ngare eschay EMR; ngare**

**(3) Certificate iye e abwari bwe a attakkaló alongal current EMT-Basic**

**Standard Curriculum féér sangi NHTSA, U.S. Department of Transportation, affal sangi eschay EMS curriculum provider iye re apreba li me attakkaló course llo ruwoow ragh mwal ebwe applika reel licensure; ngare**

**(4) Certificate il a attakka EMT curriculum ngare progrómmal training iye e apreba mereel U.S. state ngare territory iye e meet li ngare exceed li National**

**Standard Curriculum reel EMT féér sangi NHTSA, reel yaal licensing me**

**certification requirement kka e apreba mereel Board me e attakka course llo ruwoow raagh mwal ebwe apply licensure; me**

**(5) Dokkomento ebwe bwari bwe e pass li NREMT EMT-Basic examinations llo ruwoow ragh mwal ebwe apply reel licensure; me**

**(b) Applicant ebwe isisilong evidence reel current me valid completion reel CPR course reel health care providers llo ruwoow ragh mwal ebwe apply ngare renew li license.**

**(c) Ngare aeewal yóómw attakay EMT-B curriculum ngare training program nge a luu sangi ruwoow ragh nge uschuwel akkamasch yóómw licensure reel level il EMT, ubwe isisilong dokkomentol ebwe bwari bwe wa attakkaló EMR Refresher program mereel eschay EMS curriculum provider iye re apreba llo ruwoow ragh mwuril me wa attakkaló cognitive me psychomotor examinations. Ngare aeewal yoomw EMR curriculum ngare training program e takk luu sangi ruwoow ragh mwuril nge uuse bwughi state licensure reel EMR level, ubwe attakkaló current First Responder National Standard Curriculum sangi NHTSA, U.S. Department of Transportation, affal sangi eschay EMS curriculum provider iye re apreba li ngare EMR curriculum ngare training iye re apreba ll mereel U. S. state ngare territory nge e meet ngare exceed current National Standard Curriculum reel FR féér mereel NHTSA, reel yaal licensing ngare certification requirement iye re apreba l mereel Board me attakkaló cognitive me psychomotor examinations.**

**(d) EMR's Scope of Practice- Yaal primary focus Emergency Medical Responder nge rebwe ghomwal pomwoli lifesaving care ngaliir critical patients kka re yááya emergency medical system. Aramas yeel eyoor ghuleyal me skills reel ebwe ayoora patient care me transportation. Emergency Medical technician nge rebwal peighil comprehensive EMS response, faal medical oversight, Emergency Medical Technicians re féérú basic**

**interventions me yááyá pisegh kka e llo wóól ambulance. Emergency Medical Technicians nge eew link mereel scene ngali emergency health care system.**

§140-50.3-002908 Amendáli Section 2908 (a)jigha subsection (1) ebwe le subsection (2) me vise versa, amendali subsections (1) me (3) me appaschalong subsection mil féé (4) me (5), amwóy subsections (b) me (c) Subsection (d) ebwele subsection (b) me appaschalong eew féé subsection (c) me (d) reel atiwlighil Emergency Medical Responders, Emergency Medical Technicians, Advanced Emergency Medical Technicians me Emergency Medical Technicians-Paramedics

**§140-50.3-2908 Requirements reel Licensure-Advanced Emergency Medical Technicians (AEMT). Essóór aramas iye ebwe ira bwe l eschay EMR ngare schaagh bwe e lisensia mereel Board. Eschay applicant iye emuschel ebwe EMR nge ebwe seigh me waluw (18) rághil, U.S. citizen ngare national iye emwal ebwe angaang llo CNMI me ebwe attabwey requirements kkaal:**

**(a) Applicant ebwe isisilong evidence reel :**

**(1) current certification sáangi NREMT bwe NRAEMT; ngare**

**(2)Valid , active license ngare certification sangi eew U.S. state ngare territory bwe emwel ebwe angaang ngare eschay AEMT; ngare**

**(3)Certificate iye e abwari bwe a attakkaló alongal current AEMT National Standard Curriculum féér sangi NHTSA, U.S. Department of Transportation, affal sangi eschay EMS curriculum provider iye re apreba li me attakkaló course llo ruwoow ragh mwal ebwe applika reel licensure; ngare**

**(4)Certificate il a attakka AEMT curriculum ngare progrómmal training iye e apreba mereel U.S. state ngare territory iye e meet li ngare exceed li National Standard Curriculum reel AEMT féér sangi NHTSA, reel yaal licensing me certification requirement kka e apreba mereel Board me e attakka course llo ruwoow raagh mwal ebwe apply licensure; me**

**(5)Dokkomento ebwe bwari bwe e pass li NREMT AEMT- examinations llo ruwoow ragh mwal ebwe apply reel licensure; me**

**(b) Applicant ebwe isisilong evidence reel current me valid completion reel Basic Cardiac Life Support(CPR) course reel health care providers llo ruwoow ragh mwal ebwe apply ngare ebwe féér sefal yaal lisensia.**

**(c) Ngare aeewal yóómw attakkay AEMT curriculum ngare training program nge a luu sangi ruwoow ragh nge uschuwel akkamasch licensure reel level il AEMT, ubwe isisilong dokkomentol ebwe bwari bwe wa attakkaló AEMT Refresher program mereel eschay EMS curriculum provider iye re apreba llo ruwoow ragh mwuril yoomw attakkaló cognitive me psychomotor examinations. Ngare aeewal yoomw AEMT curriculum ngare training program e takk luu sangi ruwoow ragh mwuril nge uuse bwughi state licensure reel AEMT level, ubwe attakkaló current AEMT National Standard Curriculum sangi NHTSA, U.S. Department of Transportation, affal sangi eschay EMS curriculum provider iye re apreba li ngare AEMT curriculum ngare training iye re apreba li mereel U. S. state ngare territory nge e meet ngare exceed current National Standard Curriculum reel AEMT féér mereel NHTSA, reel yaal licensing ngare certification requirement iye re apreba l mereel Board me attakkaló cognitive me psychomotor examinations.**

- (d) **AEMT's Scope of Practice- Yaal primary focus Advanced Emergency Medical Technician nge rebwe ayoora basic me limited advanced emergency medical care me transportation reer critical me emergent patients kka re yááya emergency medical system. Aramas yeel eyoor ghuleyal me skills reel ebwe ayoora patient care me transportation. Advanced Emergency Medical technician nge rebwal peighil comprehensive EMS response, faal medical oversight, Advanced Emergency Medical Technicians re féérú basic interventions me re yááyá pisegh kka e advanced e llo wóól ambulance. Advanced Emergency Medical Technicians nge eew link mereel scene ngali emergency health care system.**

§140-50.3-002909 Amendáli Section 2909 (a)igha subsection (1) ebwe le subsection (2) me vise versa, amendali subsection (1) me (3) ebwe appaschlong eew feel subsection (4) me (5), amwóy subsection (b) me (c), subsection (d) ebwe le subsection (b) appaschlong féél subsection (c) me (d) reel atiwlighil Emergency Medical Responders, Emergency Medical Technicians, Advanced Emergency Medical Technicians me Emergency Medical Technicians-Paramedis

**§140-50.3-2909 Requirements for Licensure-Emergency Medical Technicians Paramedic (EMT-P)**

**Essóór aramas iye ebwe ira bwe l eschay EMT-P ngare schaagh bwe e lisensia mereel Board. Eschay applicant iye emuschel ebwe EMR nge ebwe seigh me waluuw (18) rághil, U.S. citizen ngare national iye emwal ebwe angaang llo CNMI me ebwe attabwey requirements kkaal:**

**(a) Applicant ebwe isisilong evidence reel :**

- (1) current certification sáangi NREMT bwe eschay NREMT-P; ngare**
- (2) Valid , active license ngare certification sangi eew U.S. state ngare territory bwe emwel ebwe angaang ngare eschay EMT-P; ngare**
- (3) Certificate iye e abwari bwe a attakkaló alongal current EMT-Paramedic National Standard Curriculum féér sangi NHTSA, U.S. Department of Transportation, affal sangi eschay EMS curriculum provider iye re apreba li me attakkaló course llo ruwoow ragh mwal ebwe applika reel licensure; ngare**
- (4) Certificate il a attakka EMT-P curriculum ngare progrómmal training iye e apreba mereel U.S. state ngare territory iye e meet li ngare exceed li National Standard Curriculum reel EMT-P féér sangi NHTSA, reel yaal licensing me certification requirement kka e apreba mereel Board me e attakka course llo ruwoow raagh mwal ebwe apply licensure; me**
- (5) Dokkomento ebwe bwari bwe e pass li NREMT-P - examinations llo ruwoow ragh mwal ebwe apply reel licensure; me**

**(b) Applicant ebwe isisilong evidence reel current me valid completion reel Basic Cardiac Life Support(CPR) course reel health care providers llo ruwoow ragh mwal ebwe apply ngare ebwe féér sefal yaal lisensia.**

**(c) Ngare aeewal yóómw attakkay EMT-P curriculum ngare training program nge a luu sangi ruwoow ragh nge uschuwel akkamasch licensure reel level il EMT-P, ubwe isisilong dokkomentol ebwe bwari bwe wa attakkaló EMT-P Refresher program mereel eschay EMS curriculum provider iye re apreba llo ruwoow ragh mwuril yoomw attakkaló cognitive me psychomotor examinations. Ngare aeewal yoomw EMT-P curriculum ngare training program e takkló nge a luu sangi ruwoow ragh**

mwuril nge uuse bwughi state licensure reel EMT-P level, ubwe attakkaló current EMT-Paramedic National Standard Curriculum sangi NHTSA, U.S. Department of Transportation, affal sangi eschay EMS curriculum provider iye re apreba li ngare EMT-P curriculum ngare training iye re apreba li mereel U. S. state ngare territory nge e meet ngare exceed current National Standard Curriculum reel EMT-P féér mereel NHTSA, reel yaal licensing ngare certification requirement iye re apreba I mereel Board me attakkaló cognitive me psychomotor examinations.

- (d) **EMT-P Scope of Practice-** Paramedic nge rebwl schuu ngali health professionals iye yaar primary focus nge rebwe ayoora advanced medical care reel critical me emergent patients kka re yááya emergency medical system. Aramas yeel eghi tumógh ghuleyal me skills reel ebwe ayoora patient care me transportation. Yaal angaang Paramedics nge rebwal peighil comprehensive EMS response, faal medical oversight, Advanced Emergency Medical Technicians re féérú basic interventions me re yááyá pisegh kka e advanced e llo wóól ambulance. Paramedics nge eew link mereel scene ngali emergency health care system.

§140-50.3-002914 Amendáli subsection (a) (1)ngali (4 ) amedali subsection (c)ebwe appaschlong eew féél subsection (d) me (e), me ebwe re-letter lusul subsection reel atiwlighil Emergency Medical Responders, Emergency Medical Technicians, Advanced Emergency Medical Technicians me Emergency Medical Technicians-Paramedic

**§140-50.3-02914 Continuing Education (CE)**

(a) **ALONGÉR EMR, AEMT, EMT-P** kkaa re lisensia rebwe angaang llól CNMI nge re required rebwe attakkaló refresher courses ngare CE hours ngare prerequisite reel féér sefalil yaar biennial license:

(1) **EMR**

(i)Attakkaló eew DOT National Standard First Responder iye re aprebalil/EMR refresher ngare CECBEMS course iye re aprebalil.

(ii)12 hours reel approved continuing education me ora kka e toolong me topics kka faal me oral.

1. Preparatory-1 hour
2. Airway-2 hours
3. Patient Assessment-2 hours
4. Circulation-3 hours
5. Illness and Injury-3 hours
6. Childbirth and Children-1 hour

(2) **EMT:**

(i)Attakkaló eew 24 hour DOT National Standard EMT-B/EMT refresher ngare CECBEMS course iye re aprebalil.



**(ii)Attakkaló 48 hours il continuing education hours kka re apreballi me ebwe toolong topics kka faal me oral.**

- 1. Preparatory-1 hour**
- 2. Airway-2 hours**
- 3. OB, Infants, Children- 2 hours**
- 4. Patient Assessment- 3 hours**
- 5. Medical/Behavior -4 hours**
- 6. Trauma -4 hours**
- 7. Elective -8 hours**

**(iii)16 hours lapal emwal rebwe applikka ngali eew courses kkaal: ABLS, AMLS, BTLS, NALS, PEPP, PHTLS, me PPC;**

**(iv)12 hours lapal emwal rebwe applikka ngali eew courses kkaal: Teaching CPR, Emergency Driving ngare Dispatch training.**

**(v)24 hours il CECBEMS approved Distributive Education emwal rebwe applikka ngali continuing education requirement.**

**(vi)24 hours emwal rebwe applikka ngali akkaw continuing education hours mereel college level courses kka e wewe ngali EMS. Courses kkal e toolong nge ese bwal aighugh ngali: Anatomy/Phsiology, Pharmacology, Cellular Biology, Chemistry, Psychology, me Microbiology; me**

**(vii)Ora kka mereel courses kkaal nge emwal rebwe applikka ngali eew ora ngali eew ora nge esoor maximum; Advanced Life Support, Refresher Course Instruction and Wilderness EMS Training.**

**(3) AEMT:**

**(i) Attakkaló eew 36 hour DOT National Standard AEMT refresher ngare CECBEMS course iye re apreballi. me**

**(ii)Attakkaló 36 hours il continuing education hours kka re apreballi me ebwe toolong topics kka faal me oral.**

- 1. Mandatory Core Content:**
  - a) Airway, Breathing and Cardiology -6 hours**
  - b) Medical Emergencies-2 hours**
  - c) Trauma-4 hours**
  - d) Obstetrics and Pediatrics-6 hours**
- 2. Flexible Core Content:**
  - a) Airway, Breathing and Cardiology-6 hours**
  - b) Medical Emergencies- 4 hours**
  - c) Trauma-1 hour**
  - d) Obstetrics and Pediatrics-6 hours**

**e) Operational Tasks- 1 hour**

**(iii)16 hours lapal emwal rebwe applikka ngali eew courses kkaal: ABLs, ACLS, AMLS BTLS, ITLS, NALS, PALS, PEPP, PHTLS, me PPC ME AFALA EMS COURSES.**

**(iv)12 hours lapal emwal rebwe applikka ngali eew courses kkaal: Teaching CPR, Emergency Driving ngare Dispatch training.**

**(v)18 hours il CECBEMS approved Distributive Education emwal rebwe applikka ngali continuing education requirement.**

**(iii)18 hours emwal ebwe applikka ngali college courses ikka e wewe ngali yaal angaang reel EMS professional. Courses kkal e toolong nge ese bwal aighugh reel Anatomy, Physiology, Biology, Chemistry, Microbiology, Pharmacology, Psychology, Sociology, me Statistics:**

**(iv)Ora sangi courses kkaal nge emwal rebwe applikka li ebwe eew ora ngali eew ora nge esabw yoor maximum; Advanced Trauma Life Support, EMS Course Instruction, me Wilderness EMS Training.**

**(c) Continuing Education activities kka re apreballi e toolong, nge ese bwal aighugh reel, National Standard Curriculum me refresher courses kka re féér mereel NHTSA reel training level il EMS personnel kka e specified: courses ngare training program kka re apreballi mereel U.S. state ngare territory iye a meet ngare e aluuló yaal National Standard Curriculum iye e féér mereel NHTSA: courses, workshops, seminars, training program, ngare online CEs re apreballi mereel Continuing Education Coordinator Board reel EMS (CECBEMS); American Health Association Association Basic Life Support:Advanced Cardiac Life Support and Pediatric Advanced Life Support courses: American Academy of Pediatrics Pediatric Education courses: me American College of Surgeons Trauma Life Support courses.**

**(d)Courses kka esemwal rebwe applikka ngali CE hours: clinical rotation, CPR, home study programs, instructor courses management/leadership courses, performance of duty, serving as a skill examination, me volunteer time with agencies.**

**(e)Eschay membrol reserve e deploy reel active duty reel eew peighil Armed Forces il United States, yaal Lisensial CNMI e expired durantil igha e active duty ngare ese laap sangi oloow(6)maram sangi ralil we e deactivate/released mereel active duty, emwal rebwe ngali extension reel expiration date reel yaal lisensia ngali oloow(6) maram sangi ralil we re deactivate/release sangi yaal active duty reel ebwe attakkaló yaal renewal requirements reel yaal lisensia**

**(i) Ebwe ayoora dokkomento reel Armed Forces il United States reel ebwe bwáá ileta raliil activations me deactivation/release mereel yaal angaang.**

**(ii) Ngare esoor lapse lol licensure, ayoora dokkomento iye e bwari bwe CE requirements kka e isisilong reel ótol renewal nge resebwughi eliigh(30)raal mwal effective date reel yaal license nge e valid durantil igha e active duty me ese luu sangi oloow (6)maram sangi raliil deactivation/release me duty.**

§140-50.3-2915 Appaschlong feel subsection reel (b), (c) me (d) amendali subsections (g) me re-lettering li subsections reel atiwlighil Emergency Medical Responders, Emergency Medical Technicians, Advanced Emergency Medical Technicians me Emergency Medical Technicians Paramedic

**§140.-50.3-2915 Féér Sefal**

**(a) Alongal lisensia kka re isisiwow mereel Board ebwe mwutch muril ruwoow ragh, igha e isisiwow ngare féér sefal nge ebwe invalid muril raliil lal.**

**(b) Alongeer renewal licesees rebwe kke actively practice yaar licensure level llool ruwoow ragh mwal raliil we ebwe expired yaar license.**

**(c) Alongeer renewal licensees rebwe isisilong current me valid-recertification mereel NREMT me meta ebwe bwari me atakkalo refresher courses me/ngare continuing education igha e required faal §140-50.3-2914.**

**(d) Alongeer renewal licensees rebwe isisilong meta ebwe bwari bwe ra atakkaló CPR course me bwal akkaw health care provider's course ikka e required reel licensure nge e atakkaló last two years mwal ebwe féér sefali yaal license.**

**(e) Yaal responsabilidót eschay license ebwe isalilong eew completed renewal application ngare waliigh me-faawu (84) raal mwal expiration date. Board rebwe afanga, reel mail ngare email, eew arong ngaliir alongeer aramas kka re licensed reel raliil expiration me obwoss me bwal akkaw requirements reel renewal.**

**(f) Ebwe yoor \$25.00 obwoss reel ngare e atarasów alongal eewal rállil maram mwuril expiration date.**

**(g) Lisensia kka e expired ló bwele igha rese fééru sefal wóól ngare mwal raliil we e nesisita, emwal rebwe reinstated sefal llool eew ragh il expiration date, nge e bwe meet li alongal a eewal me ngare refresher course me continuing education igha a required faal §140-50.32914 me obwossu renewal me late fees reel eew calendar month otol a abwoss lo alongal méél renewal. Eschay licensee yaal lisensia e expired me lapsed ló luu sangi eew ragh reel ese fééru sefali nge ebwe file li eew féé application, meet current requirements reel licensure, me re aprebalil mereel Board.**

§140-50.3-002917 Amendáli section yeel reel atiwlighil Emergency Medical Responders, Emergency Medical Technicians, Advanced Emergency Medical Technicians me Emergency Medical Technicians-Paramedic

**§140-50.3-2917 National Standard Curriculum**

Board e rekkoniza li National Standard Curriculum iye re féerú faal auspices reel U.S. Department of Transportation, National Highway Traffic Safety Administration reel level il training reer EMS personnel. Current National Standard Curriculum (NCS) rebwe yááyá ngare amwelil reel féerul alongal EMS training curriculu. Board ebwal rekkonisa li National EMS Education Program Accreditation, National EMS Certification me bwal akkaw amenda ngali standards, iye emwel rebwe bwughi me <http://www.nremt.org>.

**§140-50.3-2918 Oath me Code of Ethics.**

Board a aprebal, ngare igha a akkatewow me igha ese bwal afitighogho ngali Alléghul CNMI, National Association of Emergency Medical Technicians (NAEMT) Oath me Code of Ethics nge emwal rebwe bwughi mereel <http://www.naemt.org>.

§140-50.3-002920 Amendáli section yel reel Alléghul Emergency Medical Responders, Emergency Medical Technicians, Advanced Emergency Medical Technicians me Emergency Medical Paramedic:

**§140-50.3-2920 Disciplinary Action:**

(a)Eyoor bwángil Board ebwe ayoora administrative penalties me /ngare reprimands: bwughi sefali ngare suspended li; resabw ngaley, féeri sefali, yaal lisensia eschay aramas iye re schungi bwe e attay eew ngare ssoghul alúgh kkal sangi §2224 reel P.L. 15-105 me §§140-50.3-00901-1300 reel allégh kkaal e toolong nge ese bwal aighugh reel:

(1)Eghuley me ngare e violate li yaal patient privacy reel e isisiwow information kkaa e mwólómwól ngali eschay iye ese bwal toolong llól amwelal ngare safey ngali schóól sumay we.

(2)Yááyál drugs kkaa ese ghatch durantil nge ngare ese angaang.

(3)Yááyál biru llol waluw ora mwal ebwe angaang, durantil angaang, me ngare on-call status.

(4)Ese atabwey afal mereel dokkto wóól radio ngare telephone reel care il patient.

(5)Pomwoli eew invasive medical procedure iye e attay allúgh kka e standard nge re acceptali mereel medical community.

(6)Eew lapalap iye e attay alléghul CNMI, municipal code, allégh iye ebwe angaawa, toulap, schóól angaangal public safety, me akkaschay EMS personnel, e toolong improper operational emergency medical vehicle.

(7) Afala, me ebwal toolong reel fééférul eschay iye e attay allugh, e toolong akschay EMS personnel kka re lo llól acting supervisory capacity.

(8) Ebwel sóónów reel isisiwowul dokkomentol continuing education kka ese wel, ebwal schuu ngali reel isisiwowul continuing education verification ngali eschay iye ese tabwey activitil continuing education;

(9) E tabwey activitil continuing education faal ital eschay iye ese lo

(10) E alisir me mwut ngaliir akkaschey EMS personnel rebwe aluu sangi meta ye bwungul yaar mwoghutughut.

(11) Ese wel yááyál dengkil me siren il gharetal emergency.

(12) Eschay licesee e lo reel eew leli nge rese bwal faingi (“call-jumping”) inamwo ngare llól bwusil waal, ambulance, me bwal akkaw ghareta, ese attabwey local protocol, procedures, ordinaces, me e interfere reel mwoghutughutul EMS system.

(13) Digeró wóól test iye re yaaya le pwipwi ifa tool ghuleyal me yaal skills eschay EMS.

(14) Alisi eschay aramas wóól test.

(15) Ayoora emergency medical care wóól ambulance iye ese lisensia.

(16) E ito angaang nge kkondition-il ese ghatch, emwal ebwe kkaschúgh, sumay, me bwal akkaw wewe iye emwal ebwe angawa yaal angaang reel operate li ambulance me féerú patient care; me

(17) Ngare eyoor violations il P.L. 15-105 reel atiwlighil Emergency Medical Responders, Emergency Medical Technicians, Advanced Emergency Medical Technicians, Emergency Medical Paramedic me ngare atiwligh kka e lemeli mwoghutughutul CNMI EMS.

**PUBLIC NOTICE OF PROPOSED AMENDMENT TO THE ROTA CASINO  
GAMING COMMISSION RULES AND REGULATIONS**

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**PROPOSED AMENDMENT TO THE ROTA CASINO GAMING COMMISSION RULES AND REGULATIONS:** The Rota Casino Gaming Commission ("Commission") finds that:

**INTENDED ACTION TO ADOPT THIS PROPOSED AMENDMENT TO THE ROTA CASINO GAMING COMMISSION RULES AND REGULATIONS:** The Commission intends to adopt as permanent amendment to the Rota Casino Gaming Commission Rules and Regulations the attached Proposed Regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Regulations would become effective 10 days after adoption and publication in the Commonwealth Register. *See 1 CMC § 9105(b).*

**AUTHORITY:** Pursuant to the Rota Casino Act of 2007, as amended, the Commission was established granting to the Commission full authority to promulgate rules and regulations necessary for the establishment and operation of the Commission.

Section 4 of the Rota Casino Act of 2007, as amended provides that:

- (a) The Commission shall have all the rightful powers necessary to carry out the purposes of this Act.
- (b) The Commission may, among its other powers - (1) issue rules and regulations as provided in Section 5 of this Act:...

Furthermore, Section 5 of the Rota Casino Act of 2007, as amended, provides that:

- (a) The Commission shall promulgate the rules and regulations to carry out the purposes of this title. The Commission may, in addition to any other purposes, use such rules and regulations to interpret, enlarge upon, define, further define, or refine any provision of this title. Such rules and regulations shall take into consideration the needs for companies generally to be able to participate in the gaming industry in the Municipality without jeopardizing their ability to maintain or receive family licenses from other United States or foreign jurisdictions.

Moreover, 1 CMC § 9014(a) authorized the Commission to adopt, amend, or repeal any regulation by following the notice requirements set forth under the Administrative Procedure Act.

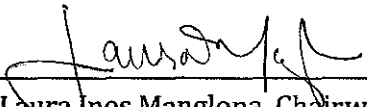
**THE TERMS AND SUBSTANCE:** The proposed amendment is set forth to define "casino gross revenue" as used in Section 7(c)(2) of the Rota Casino Act of 2007, as amended.

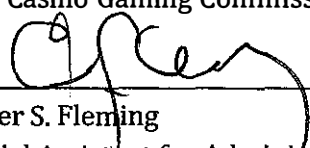
**THE SUBJECTS AND ISSUES INVOLVED:** The proposed amendment defines the term "casino gross revenue" in order to serve as needed incentive for a casino operator to invest in Rota.


**DIRECTIONS FOR FILING AND PUBLICATION:** The proposed amendment shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations, 1 CMC § 9102(a)(1), and posted in convenient places in the civic center and in local government offices in each senatorial district, both in English and in the principal vernacular, 1 CMC § 9104(a)(1).

**TO PROVIDE COMMENTS:** All interested persons may examine the proposed amendment and submit written comments, position, or statement for or against the proposed amendments to the Commission Chair, at the address BOX 1547, Rota MP 96951, phone number (670) 532-7242, within thirty (30) calendar days following the date of the publication in the Commonwealth Register of this amendment. 1 CMC § 9104(a)(2).

The attached Proposed Amendment to the Rota Casino Gaming Commission Rules and Regulations are approved by the Commission at a meeting on Rota, CNMI, on \_\_\_\_\_ 2013.

Submitted by:  6/26/13  
Date  
Laura Inos Manglona, Chairwoman  
Rota Casino Gaming Commission

Received by:  6/28/13  
Date  
Esther S. Fleming  
Special Assistant for Administration

Filed and Recorded by:  6.28.13  
Date  
Esther M. San Nicolas  
Commonwealth Register

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (obtain AG approval) the Emergency Amendment to the Rota Casino Gaming Commission Rules and Regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall by published, 1 CMC § 2153(f)(publication of rules and regulations).

 6/27/13  
Date  
Joey F. San Nicolas  
Attorney General

**PROPOSED AMENDMENT TO THE  
ROTA CASINO GAMING COMMISSION RULES AND REGULATIONS**

1. **PURPOSE:** The purpose of this amendment to the Rota Casino Gaming Commission Rules and Regulations is to define the term “casino gross revenue,” as used in Section 7(C)(2) of the Rota Casino Act of 2007, as amended, in order to serve as needed incentive for a First Casino Operator to invest in Rota subsequent to the enactment of this amendment.
  
2. **AMENDMENT:** The Rota Gaming Commission Rules and Regulations is amended by adding a new definition after the term “Casino Gaming Service Provider,” under “Definitions of Terms,” as follows:

Casino Gross Revenue:

Means the total of all sums received as winning less only the total of all sums paid out as losses by a casino under gaming license, and after allocation and reduction for specific promotional costs incurred by a casino operator or incentives conferred in order to attract or secure a player’s or group of players’ “play” in the casino, including but not limited to the following: promotional items, or gifts; agent fees, complimentary chips; and any and all complimentary incentives. In regards to tournament fees, a casino’s net winning shall equal the total contribution to the tournament fees while playing at the casino minus any credits, bonuses paid, charge backs, or costs attributable directly to the player in that specific tournament.

- III. **EFFECTIVE DATE:** This amendment shall take effect upon adoption by the Rota Casino Gaming Commission and publication, as authorized by the Governor.



**NUTISIAN PUPBLIKU GI MAPROPONIN NA AMENDASION GI AREKLAMENTU YAN  
REGULASION SIHA GI ROTA CASINO GAMING COMMISSION**

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**MAPROPONI NA AMENDASION PARA I AREKLAMENTU YAN REGULASION SIHA GI ROTA CASINO  
GAMING COMMISSION:** I Rota Casino Gaming Commission (“Commission”) ha sodda’ na:

**I AKSION NI MA'INTENSIONA PARA U MA'ADĀPTA I MAPROPONI NA AMENDASION NA  
AREKLAMENTU YAN REGULASION SIHA GI ROTA CASINO GAMING COMMISSION:** I Kumision ha  
intensiona para u adĀpta kumu petmanienti na amendasion para i Areklamentu yan Regulasion siha  
gi Rota Casino Gaming Commision ni mañechettun i Maproponi na Regulasion siha, sigun gi manera  
siha gi Āktun Administrative Procedure, 1 CMC § 9104(a). I Regulasion siha para u ifektibu gi halum  
dies(10) dihas dispues di adĀptasion yan publikasion gi halum i Rehistran Commonwealth. *Atan* 1  
CMC § 9105(b).

**ĀTURIDĀT:** Sigun gi Āktun Rota Casino Gaming gi 2007, kumu ma’amenda, I Kumision ma’istapblesi  
ni manĀna’i guatu i Kumision ni todū na ĀoturidĀt para u cho’gui i areklamentu yan regulasion siha ni  
nisisĀriu para inestapblesi yan operasion i Kumision.

Seksiona 4 gi Āktu Rota Casino gi 2007, kumu ma’amenda nu atyu ni ha pribeniyi:

- (a) I Kumision debi na u guaha dretchu na fuetsa ni nisisĀriu para u sustieni huyung i  
hinangai siha guini na Āktu.
- (b) I Kumision siña, gi halum i fuetsĀn-ña siha – (1) u laknus i areklamentu yan regulasion siha  
kumu mapribeniyi gi Seksiona 5 gi esti na Āktu....

IntrimĀs mo’na, i Seksiona 5 gi Āktun Rota Casino gi 2007, kumu ma’amenda, nu atyu ni ha pribeniyi:

(a) I Kumision siña ha cho’gui i areklamentu yan regulasion siha ni para u sustieni huyung i  
hinangai guini na titulu. I Kumision siña, mĀs gi riaseha hĀfa ottru na hinangai siha, ha usa tĀtkumu  
areklamentu yan regulasion siha ni para u intetpitiyi, u na’dĀngkulu, difina, mĀs difina, pat u na’finu  
maseha hĀfa na prubension gi esti na titulu. TĀtkumu areklamentu yan regulasion siha debi siña  
machuli’ kunsiderasion ni nisisĀriu i kumpaña siha u fansiña mampattisipĀnti gi halum i gaming  
industry gi halum MunisipalidĀt sin u falingu i abilidad-ñiha ni para u ma-maintain pat u risibi i family  
licenses ginin ottru jurisdiction siha gi foreign pat United States.

TĀtkumu, i 1 CMC § 9014(a) ma’Āoturisa i Kumision para u adĀpta, amenda, pat apela hĀfa na  
regulasion ni tinattitiyi ni sigienti na nutisian dinimĀnda siha ni mapega mo’na gi papa’ i Āktun  
Administrative Procedure.

**I TEMA YAN SUSTĀNSIAN I PALĀBRA SIHA:** I maproponi na amendasion ni mapega mo’na para u  
madifina “casino gross revenue” kumu ma’usa gi seksiona 7(c)(2) gi Āktun 2007 Rota Casino, kumu  
ma’amenda.

**I ASUNTU YAN MANERA SIHA NI MANTINEKKA:** I maproponi na amendasion ha difina i tema "casino gross revenue" gi anai para u setbi kumu manisista i incentive ni para i casino operator ni para u invest giya Luta.

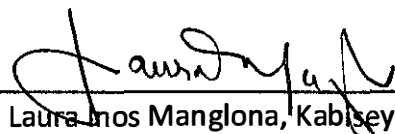
**DIREKSION PARA U MAPO'LU YAN PUPBLIKASION:** I maproponi na amendasion debi na u mapupblika gi halum i Rihistran Commonwealth gi seksiona ni maproponi yan nuebu na ma'adapta na regulasion siha )1 CMC § 9104(a) (1)) yan u mapega gi kumbinienti na lugât siha gi halum i civic center yan gi halum i ufisinan gubetnamientu siha gi kada distritun senadot, parehu English yan lingguâhin natibu.  
(1 CMC § 9104(a)(1))

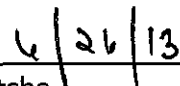
**PARA U MAPRIBINIYI UPIÑON SIHA:** Todu manggai intires na petsona siha siña ma'eksamina i maproponi na amendasion yan u mana'hâlum i tinigi upiñon, pusision, pat sinangan para pat kinentra gi maproponi na amendasion siha guatu gi Kabesiyun Kumision, gi adrress P.O. Bos 1547, Rota, M.P. 96951, numirun tilifon (670) 532-7242, gi halum trenta(30) dihas gi kalendâriu ni tinattituyi i fetchan pupublikasion gi halum Rehistran Commonwealth gi esti na amendasion.  
1 CMC § 9104(a)(2).

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I mañechettun na Maproponi na Amendasion para i Areklamentu yan Regulasion gi Rota Casino Gaming Commission manma'aprueba ni Kumision gi hunta giya Luta, CNMI, gi \_\_\_\_\_, 2013.

Nina'hâlum as :

  
Laura Mos Manglona, Kabeseyu  
Rota Casino Gaming Commission

  
Fetcha

Rinisibi as:

  
\_\_\_\_\_  
Esther S. Fleming  
Ispisiât na Ayudânti Para l Atministrasion  
Gubietnu


6/28/13  
Fetcha

Pine'lu yan  
Ninota as:

  
\_\_\_\_\_  
Esther M. San Nicolas  
Rihistran Commonwealth

6.28.13  
Fetcha

Sigun i 1 CMC § 2153(e) (i Abugâdu Henerât ha aprueba i regulasion siha ni para u macho'gui kumu fotma) yan 1 CMC § 9104(a)(3) (minantieni ni inapruuban i Abugâdu Henerât) i Emergency na Amendasion para i Areklamentu yan Regulasion gi Rota Casino Gaming Commission ni mañechettun guini man maribisa yan man ma'aprueba kumu fotman yan sufisienti ligât ginin i CNMI Abugâdu Henerât ya debi na u mapublika, 1 CMC § 2153(f) (publikasion areklamentu yan regulasion siha).

  
\_\_\_\_\_  
Joey P. San Nicolas  
Abugâdu Henerât

6/27/13  
Fetcha

**MAPROPONI NA AMENDASION AREKLAMENTU YAN REGULASION SIHA PARA I  
ROTA CASINO GAMING COMMISSION**

1. **HINANGAI:** I hinangain esti na amendasion para i Areklamentu yan Regulasion siha gi Rota Casino Gaming Commission ni para u difina i tema “casino gross revenue” kumu ma’usa gi Seksiona 7(C)(2) gi Åktun Rota Casino gi 2007, kumu ma’amenda, gi anai siña ma-serve kumu manisita i incentive para i Primet Casino Operator para u invest giya Rota ni u mattitiyi gi para i enactment gi esti na amendasion.
2. **AMENDASION:** I Areklamentu yan Regulasion siha ni ma’amenda ni mana’danña’i nuebu na difinasion dispues ti tema “Casino Gaming Service Provider,” gi papa’ i “Difinasion gi Tema Siha,” kumu gi sigienti:

Casino Gross Revenue:

Kumeke’ilekña i totåt todü i sums ni marisibi kumu ginanna menus ya atyu ha’ i totåt gi todü i sums ma’apåsi huyung kumu lossess ni casino gi papa’ i gaming license, yan dispues i allocation yan reduction gi para ispisifiku na promotional costs ni ha incurred nicasino operator pat incentives ni ma-conferred gi anai siña ha kumbida pat na’siguru i player’s pat i gurupun players “play” gi casino, ingklulusu låo ti minidi gi sigienti : promotional items, pat rigålu siha; agent fees, complimentary chips; yan maseha håfa yan todü complimentary incentives. Gi sigun gi para i tournament fees, i casino’s net winning debi na i parehu i tutåt i kuntribusion para i tournament fees mientras humugågandu gi casino minus maseha håfa na credits, bonuses paid, charge backs, pat costs attributable directly para i player gi halum atyu i ispisifiku na tournament.

- III. **FETCHAN IFEKTIBU:** Esti na amendasion u ifektibu gipun i adåptasion ginin i Rota Casino Gaming Commission yan i pupplikasion, kumu ma’åoturisa ni Gubietnu.

**ARONGORONGOL TOULAP REEL POMWOL ALLÉGH KKAÁ EBWE AMENDÁ REEL ROTA CASINO  
GAMING COMMISSION**

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**POMWOL ALLÉGH KKAÁ EBWE AMENDÁ NGALI ROTA CASINO GAMING COMMISSION:**Rota Casino Gaming Commission (“Commission”) re schungi bwe:

**MÁNGEMÁNGIL MWÓGHUT YEEL BWE EBWE ADAPTÁÁLI POMWOL ATIWLIGH KKAL NGALI ROTA CASINO GAMING COMMISSION:** Commission emwuschel ebwe adaptááli me aleshú ló amendal atiwligh kkaa ngali Rota Casino Gaming Commission e appasch bwe Proposed Regulations, sáangi mwóghutughutul Administrative Procedure Act, 1 CMC § 9104(a). Allégh kkaal ebwe bwunguló 10 ráál mwiril yaar adaptááli me appasch llól Commonwealth Register, Amweri 1 CMC § 9105(b)

**BWÁNGIL:** Sangi Rota Casino Act-il 2007, igha e amendá, Commission e ngaley Commission bwangil reel ebwe akatewow allégh kkaa e nesesario reel ebwe pomwoli me féerú angaangal Commission.

Llól section 4 reel Rota Casino Act lloil 2007, igha e amendá nge e ngaley:

(a)Commission bwangil reel ebwe féerú bwulul mwoghutughut yeel.

(b)Commission, bwal akkaw bwangil-(1) akkatewow allégh igha e ayoora llól Section 5 reel mwoghutughut yeel.

Bwal maas ló , llól Section 5 lloil Rota Casino Act lloil 2007, igha e amendá ebwal ngaley

(a)commission reel ebwe akkatewow allégh reel ebwe féerú bwulul title yeel. Emwal Commission ebwe bwal reel akkaw awewe ebwe yááya allégh kkaal reel rebwe seleti, alapaaló, awewey, maas awewey, aghatchúló provision lloil title yeel. Allégh kkaal ebwe kkonsideráli nisisidódul kkompaniya kka rebw schuu long lloil gaming industry lloil Municipality nge esabw jeopardize li bwangir reel rebwe amwuchú me risibili gamily licenses sangi United States ngare akkaw foreign jurisdictions.

1 CMC §9014(a) ebwal atorisa li Commission ebwe adáptáli, amendáli, me liweli allégh ngare e attabwey allugh kka e affat faal Adminstrative Procedure Act.

**KKAPASAL ME AWEWEEL:** Pomwol Amenda kkaal e awewey “Casino gross revenue: igha e yááyá lloil Section 7 © (2) lloil Rota Casino Act of 2007, igha e amendá

**KKAPASAL ME ÓUTOL:** Pomwol amenda kkal a awewey kkaapas iye “casino gross revenue” reel igha reghi nesitay reel ebwe eew incentive ngaliir casino operators rebwe invest long Luuta

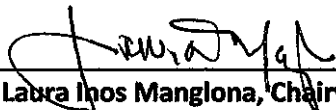
**AFALA REEL AMWELIL ME ARONGOWOWUL:** Pomwol all’egh kkaal ebwe appasch llong l’ol Commonwealth Register lól section proposed me newly adopted regulations, 1§ CMC 9102 (a)(1), me

ebwe bwal appasch fetal lól bwuley kka e ló civic center me bwal lól bwulasyookka lól eew senatorial district reel kkasal English, Remeraalis me Refaluwasch, 1§CMC 9104 (a) (1)

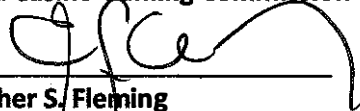
**ISISILONGOL MÁNGEMÁNG:** Aramas kka remwuschel emwel rebwe amweri pomwol amendáá kkaal nge ra iischilong mángemángir , mafiyeer, ngare re tipiyeeew ngali ngare rese tipiyeeew ngali pomwol amendáa kkaal ngeli Commission Chair, reel address P.O.Box 1547 Rota, MP 96951 numeral telephone (670) 532-7242 lól eliigh (30) ráll mwuril railil yaal appasch long lól Commonwealth Register reel amendá yeel. 1 CMC§9104(a)(2)

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**Pomwol Amendá kkaal ngali Alléghul Rota Casino Gaming commission nge e bwungló mereel yaar mwiisch Commission me Luuta, CNMI, wóól \_\_\_\_\_2013.**

Isáliiyalong:   
Laura Inos Manglona, Chairwoman  
Rota Casino Gaming Commission

6/26/13  
Ráll

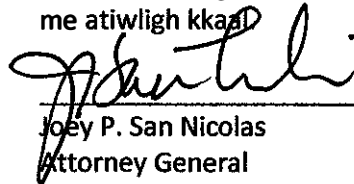
Mwir Sángi:   
Esther S. Fleming  
Special Assistant for Administration

6/28/13  
Ráll

Amwel Sángi:   
Esther M. San Nicolas  
Commonwealth Register

6/28/13  
Ráll

Sángi 1 CMC § 2153(e) Allégh kkaal a lléghló sángi AG bwe e fil reel fféerúúl me 1 CMC §9104(a)(3)(mwiir sángi AG)Pomwol atiwligh kkal a appaschlong a takkal amwuri fiischiy, me angúungú ló fféerúúl me legal sufficiency sángi CNMI Attorney General me ebwele akkatewoow, 1 CMC §2153(f) (Arongowowul allégh me atiwligh kkaal)

  
Joey P. San Nicolas  
Attorney General

6/27/13  
Ráll

## **POMWOL ALLÉGH KKAÁ EBWE AMENDÁ REEL ROTA CASION GAMING COMMISSION**

**1. BWULUL:** Bwulul amenda yeel ngali Alléghul Rota Casino Gaming Commission igha ebwe awewey kkapas iye “casino gross revenue” igha re yááyá lól Section 7 (C)(2) lól Rota Casino Act of 2007, igha e amenda, reel igha e nesesita bwe incentive ngali Casino Operator iye e ghomw le invest wóól Luuta mwuril féérúl amendá yeel.

**2. Amendá:** Rota Gaming Commission e amendáli yaal allégh igha e appaschalong eew féél awewe mwuril kkaapas iye “Casino Gaming Service Provider”, fáál “Definitions of Terms”

**Casino Gross Revenue:** Fáál nge laapal meta iye e resibili reel e manganáli amwúsangi laapal meta e obwossuwow mereel casino faal lisensial gaming, me mwuril meta iye re ayoora me re aghitighitativ reel meta iye e affatativ reel promotional cost reel ghostol casino operator ngare incentives kkaa rebwe ayoora reel rebwe amweschelir eschay schóól ukkur ngare gurupul school ukkur kka re ukkur llool casion, e toolong nge ese bwal aighugh ngali, promotional items, gifts, agent fees, complimentary chips, me bwal akkaw me alongal complimentary incentives. Reel obwossul tournament, casino’s net winning ebwe wewe ngali laapal meta kka re atolongow reel obwossul tournament igha re kke ukkur llool casino alemwey lló credits, bonuses, obwoss, charge backs, me ghósto kkaa ngali schóól ukkur llól tournament we.

**III. Rálil e bwunguló:** Amendáá kkaal ebwe bwunguló ngare ra adááptáli mereel Rota Casono Gaming Commission me akkatewow, igh re atorisa li mereel Sow Lemelem

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
OFFICE OF THE CIVIL SERVICE COMMISSION



1211 CAPITOL HILL ROAD  
P.O. BOX 5150  
SAIPAN, MP 96950  
TEL. NO. (670) 322-4363



**NOTICE OF THE CIVIL SERVICE COMMISSION'S PROPOSED EXCEPTED  
SERVICE PERSONNEL REGULATIONS**

**INTENDED ACTION TO ADOPT THESE PROPOSED REGULATIONS:** The Civil Service Commission intends to adopt as permanent regulations the attached proposed regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Regulations will become effective 10 days after compliance with 1 CMC §§ 9102 and 9104(a) (1 CMC §9105(b)) as amended.

**AUTHORITY:** The Civil Service Commission has statutory authority to promulgate and effect personnel regulations pursuant to 1 CMC §8117, as amended by Public Law 17-80.

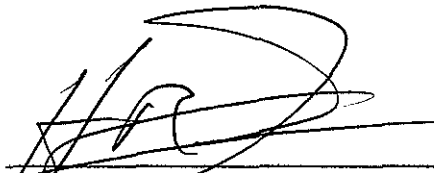
**TERMS AND SUBSTANCE:** The Civil Service Commission must adopt permanent Excepted Service Personnel Regulations to replace the emergency regulations filed and recorded on January 29, 2013, which are valid for 120 days. The emergency regulations were enacted in response to Public Law 17-80, which repealed Northern Marianas Island Administrative Code Title 10, Chapter 10-10, Excepted Service Personnel Regulations and Title 120, Chapter 120-10, Excepted Service Personnel Regulations.

**SUBJECTS AND ISSUES INVOLVED:** These regulations will provide the full range of personnel administration for government service employees who are excepted from the Commonwealth Civil Service System, pursuant to 1 CMC §8131(a) as amended by Public Law 17-80.

**DIRECTIONS FOR FILING AND PUBLICATION:** The Civil Service Commission is soliciting comments regarding these proposed regulations which must be received by the Commission within thirty (30) days of first publication of this notice in the Commonwealth Register. Interested persons may request copies of the proposed regulations by contacting the Civil Service Commission at 322-4363, by emailing Secretary Kadianne Sablan at [kfsablan@gmail.com](mailto:kfsablan@gmail.com), or by submitting written comments in person or by mail to the Civil Service Commission, Capitol Hill House No. 1211, P.O. Box 5150, Saipan, MP 96950.

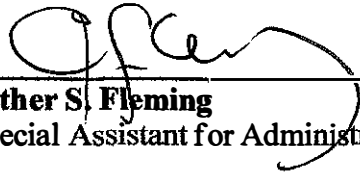


Submitted by:

  
Herman R. DLGuerrero  
Chairman, Civil Service Commission


4/18/13  
Date

Received by:

  
Esther S. Fleming  
Special Assistant for Administration

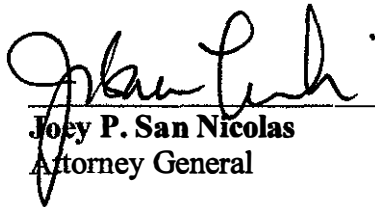
6/28/13  
Date

Filed and Recorded by:

  
Esther M. San Nicolas  
Commonwealth Register

6.28.13  
Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a) (3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published, 1 CMC § 2153(f) (publication of rules and regulations).

  
Joey P. San Nicolas  
Attorney General

6/28/13  
Date

# TITLE 10 CIVIL SERVICE COMMISSION

## CHAPTER 10-10 EXCEPTED SERVICE PERSONNEL REGULATIONS

### Part 001 - General Provisions

#### § 10-10-001 General

- (a) This chapter provides the regulations to appoint, reassign or transfer, promote or demote, or otherwise change status of, and to remove from the government service employees who are excepted from the Commonwealth Civil Service System pursuant to 1 CMC § 8131(a). This chapter also provides the full range of personnel administration for the service of personnel employed under the excepted service.
- (b) Public Law 17-80, enacted August 31, 2012, placed the Office of Personnel Management within the Civil Service Commission. Public Law 17-80 gives the Civil Service Commission the authority to promulgate rules and regulations to regulate personnel matters, including for positions where civil service status is not attained. 1 CMC §8117(j). Pursuant to this authority, the Civil Service Commission promulgates the following Excepted Service Personnel Regulations, to be administered by the Office of Personnel Management under 1 CMC §8124(b).

#### § 10-10-005 Applicability

- (a) The regulations in this chapter shall apply to employment of personnel in all excepted service positions within the Commonwealth government. However, nothing in these regulations shall be construed to apply to the payment of compensation and benefits, termination or service of elected officials, executive branch department heads, resident department heads, members of boards, commissions and councils, or other gubernatorial appointments. These regulations do not apply to the administrative staff of the Judicial and Legislative Branches of the government. Agencies within the executive branch can be exempted from these regulations if the agency is specifically authorized by law to administer and regulate its personnel system. The executive branch includes resident departments, offices, and agencies in the First and Second Senatorial Districts, including the Offices of the Mayors and Municipal Councils. These regulations are not applicable to any agency or activity specifically authorized by law to establish its own personnel rules and regulations.
- (b) These regulations are not applicable to any agency or activity specifically authorized by law to establish its own personnel rules and regulations, unless the agency chooses to abide by these regulations.
- (c) It is not the intention of the regulations in this chapter to create any legally protected property interests in excepted service employment or any employment right or benefit not explicitly stated in these regulations or the employment contract. All excepted service employment may be terminated at the will of the employee and/or employer pursuant to the terms of the contract and these regulations.
- (d) Publicly elected officials, department heads, including resident department heads, other constitutional or statutory gubernatorial or mayoral appointments, and individuals on independent service contracts or other contracts processed through the procurement system are not excepted service employees. Appointed members of boards and commissions are not members of the excepted service.

### **§ 10-10-010 Purpose**

The regulations in this subchapter establish regulatory direction for employing, compensating, providing employee benefits and effecting other personnel actions for excepted service employees. These regulations shall be construed and applied to promote the following underlying purposes and policies:

- (a) Simplify, clarify, and modernize the excepted service employment policies and practices of the Commonwealth government.
- (b) Establish consistent excepted service employment policies and practices among various departments, offices, agencies and activities of the Commonwealth government.
- (c) Create increased public confidence in the procedures followed in excepted service employment.
- (d) Ensure the fair and equitable treatment of employees within the Excepted Service Personnel System.
- (e) Provide safeguards for the maintenance of an excepted service personnel system of quality and integrity.

### **§ 10-10-015 Definitions**

For purposes of this subchapter, the following terms shall be defined as follows:

- (a) **Dependent(s):** Spouse, minor children, unmarried and under 21 years of age, physically or mentally handicapped children incapable of supporting themselves, regardless of age, wholly dependent parents of employee or spouse, or minor children by previous marriage, unmarried and under 21 years of age, for whom the employee or spouse have legal custody. Children by a previous marriage who are primarily domiciled by court order in other than the employee's household are not considered dependents.
- (b) **Employee:** As used in this subchapter, an excepted service employee.
- (c) **Employer:** Any executive branch official with hiring authority; a hiring official.
- (d) **Excepted Service Contract:** Employment contract entered into by the employee and employer for a term not to exceed two years, subject to the availability of funds, budgeted FTEs and any statutory limitations.
- (e) **Excepted Service Employee:** A contracted employee holding a position that is exempted from the Civil Service System, pursuant to the laws of the Commonwealth.
- (f) **Excepted Service Employment:** Employment contracted for a position that is exempted from the Civil Service System, pursuant to the laws of the Commonwealth.
- (g) **FTE:** Full-time employee.
- (h) **Willful Abandonment:** When an excepted service employee is absent without authorized leave for a combined total of ten days without valid reason during a twelve month period.
- (i) **Termination for Cause:** Termination for cause before the end of the contract term may be for any of the following reasons:
  - (1) Failure or inability to perform competently
  - (2) Willful misconduct
  - (3) Willful abandonment of job
  - (4) Substantial or repeated violation of law, or of this subchapter, or of department or agency rules or policies

- (5) Willful failure or inability to plan, manage or evaluate employee or unit performance in a timely or effective manner
- (6) Conviction of a felony or other crime involving moral turpitude
- (7) Other good cause that adversely affects the employee's ability to perform the job or that may have an adverse effect on the department or agency if employment is continued.

**Part 100 - Staffing and Administration**

**§ 10-10-101 Recruitment and Selection Procedures**

- (a) An employer who seeks to fill a vacant position will initiate a request for personnel action (RFPA) for recruitment. Upon certification of the availability of funds by the Department of Finance and the availability of a FTE by the Office of Management and Budget, the Director of Personnel will authorize a vacancy announcement to initiate a search for a qualified and suitable person. The terms for the position shall be in accordance with the position description. The recruitment and selection process will follow procedures established by the Director of Personnel.
- (b) An existing position is deemed to be vacant upon expiration of the present or last employment contract. The position can be announced sixty days before the end-date of the current employment contract if the intent is not to renew the incumbent.
- (c) There is no requirement for the employer to renew an excepted service employment. If the employer elects to renew the employment contract of an excepted service employee, the employer may request the Director of Personnel to waive the announcement of the position, unless the incumbent is a non-resident employee and the announcement is required by the Nonresident Workers Act, as amended.
- (d) Newly established or otherwise unfilled positions will be announced. Provided, however, when necessary for the provision of essential services, as justified by the employer with concurrence of the Governor, the Director of Personnel may waive the requirement of a vacancy announcement for selection of a candidate for any position within the excepted service. However, prior to waiving the vacancy announcement, the Director of Personnel shall require certification of the availability of funds by the Secretary of Finance and availability of a FTE by the Office of Management and Budget for the position to be filled. Such waivers cannot be granted for non-resident workers, as per the Nonresident Workers Act, as amended.
- (e) Deputy secretaries, special assistants and executive secretaries to the heads of the principle executive branch departments, ungraded directors of offices or agencies, and the special assistants and executive secretaries to the heads of commissions, boards, councils, government corporations and autonomous agencies may be employed without announcement. These unannounced employees must meet reasonable minimum qualification requirements recommended by the hiring authority and approved by the Director of Personnel, if requirements have not already been established by statute or regulation.
- (f) Upon selection of an applicant the employer will submit a request for personnel action. The selected candidate will not be authorized to begin work until the action and contract have been fully routed and approved, a negative report has been received for the pre-employment drug test, all other requirements have been met and the Director of Personnel has made payroll certification that the employee has been employed in accordance with relevant statutes and regulations.

**§ 10-10-102 "Special and Unique" Excepted Service Positions**

- (a) "Special and Unique" Excepted Service positions, authorized by Public Law 18-05 and cited in 1 CMC §8131(a)(13), are those where the Appointing Authority certifies and the Director of Personnel concurs that the service to be performed is special and unique and is essential to the public interest because of the level of expertise or special knowledge required and the essential nature of the services to be approved. In general these exemptions from the Civil Service will be restricted to those positions that:

- (1) are not listed in the approved Civil Service Master List of Classified Positions;
  - (2) are not easily or readily available through local recruitment; and
  - (3) either require a bachelor's degree level of education or higher; require highly technical skills not necessarily attained through higher education; or require U.S. or CNMI licensure or certification.
- (b) The Director of Personnel will make the final determination of a position's excepted service status under this exemption taking into consideration the public interest.

#### **§ 10-10-105 Nepotism**

There shall be no limit to the number of members of the same household who may be employed under other excepted service appointments, provided:

- (a) No member of the same household may supervise another.
- (b) All other qualifications for employment are met.
- (c) No costs, other than for salary and employment benefits as provided by regulation, shall accrue to the government as a result of hiring persons from a household containing another employee.

#### **§ 10-10-110 Effective Dates**

- (a) **Employment Start Date.** Employment for all excepted service employees, whether residing inside or outside the Commonwealth at the time of hire, shall be effective on the first day the employee reports to work. Expatriation travel time is outside the employment period and will not be compensated.
- (b) **Contract Completion.** Completion of the term of employment shall be effective on the last day of the term of the employment contract.
- (c) **Early Termination.** Early termination of employment, with or without cause, shall be effective on the date of termination stated in the termination letter. Repatriation travel time is outside the employment period and will not be compensated.

#### **§ 10-10-115 Duty Station and Work Assignment**

- (a) Duty stations are defined as Saipan, Rota, Tinian, the Northern Islands, or as otherwise assigned.
- (b) The employee is employed for the specific position and assigned to a specific duty station as identified in the employment contract. However, with the employee's consent, the employee may be assigned to another related employment position and to another duty station, based upon the needs of the government.
- (c) If the transfer of employment and duty station involves a permanent move for a period in excess of six months to another island, the employee shall be entitled to transportation for self and dependents, if any, and shipment of household effects, not to exceed 1,500 pounds for a single status employee or 3,000 pounds for an employee with dependents. This benefit is available only in cases where the transfer is initiated by the government.
- (d) Temporary assignments to another duty station for periods of not more than ten consecutive workdays do not require the employee's approval, if the assignment is required by the needs of the government.

#### **§ 10-10-120 Compensation and Work Schedules**

- (a) The salary will be subject to budget appropriations and will be expressed in terms of the gross amount to be paid during a twelve-month annual period, and for each of the twenty-six bi-weekly pay periods.

- (b) Periods of compensable time shall include time worked during the assigned work schedule, overtime for overtime-eligible employees, legal holidays, and approved annual, sick, administrative and other leaves, as defined herein. Periods of absence without leave (AWOL) and leave without pay (LWOP) will not be compensated and will be subject to appropriate timekeeping and administrative action.
- (c) The standard government workweek is Monday through Friday with the standard workday from 07:30 a.m. to 4:30 p.m. The employee's specific workday and workweek may differ from the standard workweek on a permanent basis, or vary from time to time, according to the needs of the government. Every effort shall be made to maintain a reasonable five-day, forty-hour work schedule, but the schedule is subject to variation, to include required overtime for overtime-eligible employees, extra hours for overtime-exempt employees, shifts of differing duration and broken periods of duty, according to the needs of the government.
- (d) All employees are covered by the Federal Fair Labor Standards Act (FLSA). Under the FLSA, the Commonwealth is considered to be a single employer. Employees cannot waive their rights under FLSA. An employee will be designated by the Director of Personnel as overtime-eligible or overtime-exempt based upon the duties performed and in accordance with the federal FLSA. Such designated executive, administrative and professional employees are exempt from, and shall not be paid, overtime payment. These terms have the meanings given them in the federal Fair Labor Standards Act. The employee's overtime eligibility status is stated in the excepted service contract.
- (e) Overtime for overtime-eligible employees shall be approved in accordance with a procedure established by the department or activity. The employer shall also establish a policy to address administrative actions for unauthorized overtime work. However, prohibition of unauthorized overtime does not relieve the employer of the requirement to pay for time actually worked. Overtime is that time a non-exempt employee is directed or permitted to work in excess of the 40 hours during a standard work week (40 hours in seven consecutive days). Employers may apply different work periods for health care employees, or different work periods and overtime thresholds for law enforcement and fire employees, as permitted by federal law. Such overtime hours are paid at 1.5 times the regular rate of pay, as defined in the Fair Labor Standards Act.
- (f) Compensatory time-off can be used to replace monetary payment for overtime-eligible employees, at the discretion of the employer. In such cases replacement will be at the rate of one and one-half hours of compensatory time-off for each one hour of overtime worked. The employee's acceptance of excepted service employment serves as an agreement to receive compensatory time-off in lieu of paid overtime. The employer can require the employee to use the compensatory time-off that they have earned, rather than allowing it to excessively accumulate or paying it as overtime. Restated, this means that the employer can schedule compensatory time-off periods and require the employee to take that time-off. This does not prevent an employee from also scheduling time off at a time of his or her choosing, as long as approving the request does not unduly disrupt government operations.
- (g) The Director of Personnel may approve compensatory time or extra payment to an overtime-exempt employee, at the recommendation of the employer, in exceptional situations. Such situations will be considered the exception, not the rule, and will be limited to declared emergencies and extraordinary work requirements. In such cases compensatory time-off or extra payment will be on a one-to-one regular base pay basis.

## **Part 200 - Employee Benefits**

### **§ 10-10-201 Expatriation and Repatriation**

Expatriation and repatriation benefits are only provided to excepted service employees hired from outside the Commonwealth or those excepted service employees hired within the Commonwealth and transferred to a post outside the Commonwealth. Benefits will not be duplicated in situations where both spouses are employed by the government, regardless of employing entity. The government does not provide any insurance coverage for periods of expatriation or repatriation travel and assumes no liability for injury or loss or damage of property.

- (a) Expatriation. Travel and transportation expenses shall be paid by the employer as follows:
- (1) Coach or tourist class air transportation costs by a direct route for the employee and the dependents from the point of recruitment to the CNMI.
  - (2) No salary will be paid during the period of travel.
  - (3) Upon request by the employer and approval by the Director of Personnel, shipment of household goods and personal effects may be authorized for positions that are considered hard to fill. This authorization shall be limited to the following:
    - (i) The employer shall pay the cost for one shipment by sea of household goods and personal effects, not to exceed 3,000 pounds net weight for an employee with accompanying dependents, or 1,500 pounds for an employee without accompanying dependents, from the employee's point of recruitment to his or her duty station.
    - (ii) The employer is not responsible for any amount exceeding the authorized benefit or for any additional personal shipments made by the employee.
    - (iii) The shipment must originate within six months of the date of entry on duty, unless extended by the Director of Personnel for just cause. In the event temporary storage of household goods and personal effects intended for shipment to the duty station is necessary at the point of recruitment after pick-up by the carrier and prior to departure by sea, the government will pay the cost of such temporary storage.
    - (iv) Only those items may be shipped which are not restricted by Commonwealth or Federal laws or regulations. Household goods and personal effects are defined as personal property of the employee and his immediate family at the time of shipment that can be transported legally in interstate commerce. The term may include household furnishings, equipment and appliances, clothing and other personal or household items. It does not include automobiles, boats, motorcycles, any other vehicle or trailer, or any pet or animal. It also does not include property that is for resale or disposal, for use in conducting a business or other commercial enterprise, or for any purpose other than the direct use of the employee and his or her immediate family.
    - (v) The employee is encouraged to self-pack and to ship his or her household effects by the United States Postal Service (USPS) by first class mail. If this option is elected, no sea shipment will be authorized. All limits and restrictions of the sea shipment otherwise apply. The employee is advised that USPS receipts showing weight and cost of each package must be provided for reimbursement.
    - (vi) The employer shall reimburse up to \$300.00 for an air shipment (USPS) or accompanied baggage to an employee with accompanying dependents, and up to \$150.00 to an employee without accompanying dependents, upon presentation of receipts. If the employee self-packs and ships the main shipment through USPS, this amount will be in addition to the 3000 or 1500 pound limit.
    - (vii) The employer is not responsible for the cost of insurance or for any damage or loss of shipped items, whether transported by sea shipment or USPS.
- (b) Repatriation. Upon completion of the agreed upon period of service under this contract or any subsequent excepted service contract entered into after the expiration of this contract, the government shall pay the benefits set out above in subsection (a) with the following conditions:
- (1) The employer will provide a one-way coach-class ticket to the point of recruitment for the employee and each authorized dependent. Employees may also receive their return ticket in cash at the lowest economy excursion fare to their point of hire, unless ticketing of the employee is required by law. This ticketing benefit will only be provided upon the employee's full separation from government employment.
  - (2) If a minor child of an employee reaches the age of 21 years, such dependent, at government expense, will be eligible for repatriation to point of recruitment upon his or her consent. However, the employer will be discharged of this responsibility if repatriation benefits are not utilized within one year of the dependent attaining the age of 21 years.
  - (3) No salary will be paid during the period of travel.
  - (4) The repatriation shipment of household goods and personal effects will be subject to the conditions of subsection (a)(3), and limited to the actual weight shipped upon recruitment. The employer will be discharged of the responsibility for repatriation of household goods if the benefit is not utilized within one year from the termination date.
- (c) Check-out. Before repatriation benefits are afforded and the final paycheck is issued, the employee must complete check-out procedures as established by the Office of Personnel Management.

- (d) Carry Over of Benefits. An employee who has earned the contractual repatriation benefits may carry over these benefits to any subsequent employment within the executive branch or to any other employer within the Commonwealth government and will be eligible to receive them at the end of employment with the Commonwealth government. No benefit will be duplicated, regardless of the number of contract periods.
- (e) Early Termination of Contract. Early termination occurs where the employee resigns or willfully abandons his/her position or is terminated for cause prior to the end of the contract term.
  - (1) If an employee terminates the contract within the first year:
    - (i) The employer will not be liable for any repatriation expenses.
    - (ii) The employee must repay the cost to the employer of the expatriation benefits enumerated in this section, and other costs paid by employer related to recruitment.
    - (iii) The Director of Personnel, with the recommendation of the employer, may waive (e)(1)(i) or (e)(1)(ii) and provide repatriation benefits including shipping and airfare to point of recruitment on a compassionate basis.
  - (2) If an employee on a two-year contract terminates the contract after completing one year of service, the employer will not be liable for any repatriation expenses.
- (f) Re-employment. An employee who has separated from government service and has utilized contractual repatriation benefits will not be eligible for expatriation or repatriation benefits in a new contract if rehired by the Commonwealth government within six months from the date of separation.

#### **§10-10-205 Housing**

- (a) Housing benefits shall apply only to excepted service employees whose point of recruitment is outside the Commonwealth of the Northern Mariana Islands and those excepted service employees hired within the Commonwealth and transferred to a post outside the Commonwealth. An excepted service employee recruited outside the Commonwealth shall receive either housing or housing allowance at the election of the employee, but not the two simultaneously. If the employee elects housing, it is provided pursuant to a revocable license and not as a tenancy or leasehold. The housing allowance shall not exceed \$600 per month for an employee without dependents and \$800 per month for an employee with dependents.
- (b) If government housing is unavailable and private housing has not been arranged for the employee, the employer shall pay a temporary lodging allowance to the employee not to exceed the governments established per diem rate for travel at the duty station, for a period not to exceed thirty days. When the Director of Personnel has determined that this period is insufficient to move into permanent housing, a longer period may be authorized.
- (c) Government housing is intended for the use of the employee and his or her dependents. No person who is not a dependent may reside in government housing for more than thirty days, unless it is approved in writing by the Director of Personnel.
- (d) No employee whose contract has been terminated or has expired shall remain in the provided quarters longer than fourteen days after that termination or expiration, unless continued residence is approved by the Director of Personnel upon request of the employer.
- (e) The employee is responsible for utility and trash collection costs.
- (f) The employee is responsible for returning government furniture/appliances to the employer at the termination of the contract of employment, in a similar condition as that at the beginning of the occupancy of the government housing, ordinary wear and tear excepted. At the termination of the contract, subsequent to the departure from the premises, the employer or their designee shall inspect the premises. If cleanup or repairs, due to the employees actions or neglect are required, the employee will be assessed the cost of the corrective action.



- (g) The employee is responsible for taking reasonable action to protect government housing entrusted to the employee from damage caused by a storm. Election of housing creates an assumption of risk by the employee and creates no warranty of habitability or quiet enjoyment.
- (h) Any housing allowance or housing benefit for employees recruited outside the Commonwealth shall remain in effect for not more than five years.
- (i) The housing benefit will not be duplicated in situations where both spouses are employed by the government, regardless of the employing entity.
- (j) The employee shall comply with all housing regulations promulgated by the Office of Personnel Management.

**§ 10-10-210 Annual Leave**

- (a) Annual leave, or vacation, shall be granted for the purpose of rest and relaxation. Except as provided in this section, employees who have less than three years of creditable service shall earn annual leave at the rate of four hours per pay period. Employees with three but less than six years of creditable service shall earn annual leave at the rate of six hours per pay period. Employees with six or more years of creditable service shall earn annual leave at the rate of eight hours per pay period.
- (b) Activity heads, division directors, deputy secretaries, executive secretaries, special assistants of the Governor, Lieutenant Governor and department heads, medical doctors, practicing attorneys and executive directors of principal boards and commissions shall earn annual leave at the rate of eight hours per pay period.
- (c) Annual leave accrual rate per pay period for health care professionals, engineers and other professionally qualified excepted service employees with advanced degrees and/or exceptional skills or experience shall be at a rate not to exceed eight hours, and:
  - (1) Based, specific to each employee, upon:
    - (i) The critical need to fill the position;
    - (ii) The availability of qualified applicants; and
    - (iii) The amount and quality of related education, training and experience possessed by the employee.
  - (2) An employee employed in the first year of the initial contract shall not be entitled to use annual leave during the first ninety days of employment. Annual leave earned during this period will be credited to the employee upon completion of this initial period. This restriction does not apply to employees employed on an immediately subsequent contract.
- (d) Excepted service employees shall accrue annual leave at the rate set forth in their employment contract. If the employee takes leave without pay (LWOP) or is in an absence without leave (AWOL) status there will be no leave accrual for that pay period.
- (e) Annual leave may be used only upon prior written approval of the employer and will be scheduled based upon the needs of the employer. Annual leave requests must be made in advance, except in cases of bona fide emergencies, on a leave request form provided by the Office of Personnel Management. All annual leave requests must be approved by the immediate supervisor and division director. In smaller organizations where division may not exist, the heads of such organizations shall approve annual leave. The employer will approve all properly submitted leave requests unless the needs of the government prevent the absence of the employee.
- (f) Employees serving on government boards and commissions who elect to take leave without pay during their performance of duties on a board or commission shall accrue annual leave for that service time.

- (g) Annual leave must be utilized during the contract period. Except as provided in subsections (h), (j) and (k) below, any annual leave not utilized will be converted to sick leave at the end of the employment term. No cash payment will be made for unused annual leave, except as provided for in subsections (j) and (k) below.
- (h) If an offer and acceptance for a new employment contract is agreed upon, or if an excepted service employee accepts conversion to civil service status, accrued and unused annual leave credits from the prior period of employment, not to exceed 160 hours, shall be carried over to the new employment contract, or status in cases of conversion to civil service status. Notwithstanding this limit on leave, in order to comply with the 160-hour limit, due to the critical nature and need for the services by the Commonwealth government, the employer may allow, with the approval of the Director of Personnel, the employee to accumulate up to 240 hours of annual leave and carry this amount over into a subsequent employment period. Unused annual leave in excess of the limits cited above will be converted to sick leave.
- (i) Employees converting from the civil service to excepted service status will be authorized to carry over not more than 160 hours of annual leave. Hours in excess of this amount will be converted to sick leave if not used prior to conversion.
- (j) The Director of Personnel may, upon the recommendation of the employer and with the concurrence of the Governor, approve a lump-sum cash payment of up to 160 hours of unused annual leave in cases of involuntary separation due to reasons of bona fide personal emergency beyond the control of the employee.

**§ 10-10-215 Sick Leave**

Sick leave shall accrue to the employee at the rate of four hours per pay period, provided the employee has been in pay status as required by the excepted service employment contract. If the employee takes leave without pay (LWOP) or is in an absence without leave (AWOL) status there will be no leave accrual for that pay period. Government employees serving on government boards and commissions who elect to take leave without pay (LWOP) during such performance shall accrue leave for that service time.

- (a) The employee is entitled to use accrued sick leave from the time sick leave is first earned.
- (b) Any absence on sick leave where the employee misses more than three continuous days of work must have the illness verified by a note from a medical doctor in order to claim sick leave.
- (c) The employee is not entitled to any payment for accrued and unused sick leave upon completion of an employment contract or termination of employment.
- (d) If an offer and acceptance for a new period of employment is agreed upon under a new employment contract/appointment, all accrued and unused sick leave credits from the prior contract/ appointment will be carried over, provided that if the employee is separated from government service for a period longer than three years, the employee shall be divested of accumulated sick leave.
- (e) If the employer has reasonable grounds to believe that the employee is misusing sick leave, or requesting sick leave for purposes other than illness, the employer may request proof of illness from a health care professional for any period of illness. If the certification is not provided, or is unpersuasive, the supervisor may deny the sick leave request.
- (f) Sick leave may be accumulated without limit.
- (g) Excepted service employees are eligible for the sick leave bank program pursuant to applicable regulations adopted on October 16, 1997 and published in the Commonwealth Register, Vol. 19, No. 11, on November 15, 1997, at pages 15748-15757. [See NMIAC title 10, chapter 50].

**§ 10-10-220 Leave Without Pay**

Leave without pay for 90 days or less may be taken only after obtaining the written approval of the department director. Leave without pay in excess of 90 days must be approved by the Director of Personnel upon recommendation by employer.

**§10-10-225 Administrative Leave with Pay**

Administrative leave with pay may be granted by the Governor for a public purpose. Administrative leave with pay may be granted by the employer to an employee serving on government boards, councils, and commissions, provided the employee does not receive compensation from the board, council, or commission, and, if deemed for an employment related purpose, for a period of not to exceed ten days per annum.

**§ 10-10-230 Holidays**

The employee shall be released from work on all legal holidays, except during emergencies, without loss of pay or charge to leave account.

**§ 10-10-235 Advance Leave**

Where, for good reason, the employee requires an advance of annual or sick leave, the Director of Personnel may grant leave in advance up to a maximum of one-half of the total earnable leave credits for one year from the date the request is approved or for the remainder of the employment contract/appointment, whichever is shorter. Subsequent leave earnings shall serve to replace the amount of advance leave taken. In the event an employee resigns from his or her employment, any annual or sick leave overdraft must be paid as part of the final clearance.

**§ 10-10-240 Court Leave**

The government encourages its employees to fulfill their obligations as citizens and residents of the Commonwealth and the federal government. Thus, employees who are called upon to serve as jurors and witnesses may, at their option, be granted court leave for such period as required by the court. Employees who are called to jury duty or as witnesses shall present their summons to their immediate supervisor together with a completed request for leave for his signature and processing. Employees using court leave to cover the period of absence shall turn over to the Commonwealth Treasurer such jury or witness fees (as distinct from expense allowances) as they receive from the court or summoning party. Expense allowances paid the employee for whatever purpose may be retained by the employee to defray the expenses for which granted.

**§ 10-10-245 Compassionate Leave**

Full-time excepted service employees may be granted compassionate leave of no more than five workdays, not necessarily consecutive, in cases of death in the immediate family of the employee. For the purpose of this section, the term immediate family shall include a mother, father, brother, sister, spouse, immediate offspring (natural and culturally or legally adopted), stillborn child, grandfather, grandmother, grandchild, mother-in-law, or father-in-law. Compassionate leave must be taken within eighteen days after the death of the immediate family member.

**§ 10-10-250 Miscarriage Leave**

Miscarriage leave shall be granted to an excepted service employee who is absent from work because of miscarriage or the subsequent convalescence. Such miscarriage leave shall not exceed five work days, and shall be in addition to any accumulated sick leave. An employee who wishes to claim miscarriage leave must have the miscarriage

verified by a note from a medical doctor in order to claim miscarriage leave. Any additional leave taken after five work days shall be charged against accumulated sick leave.

**§ 10-10-255 Pregnancy Disability Leave**

Pregnancy disability leave shall be granted to an excepted service employee who is absent from work because of childbirth or the subsequent convalescence. Such pregnancy disability leave shall not exceed thirteen work days, shall be in addition to any maternity leave or accumulated sick leave, and shall be any thirteen work days encompassing the date of childbirth. Any additional leave taken for such childbirth purposes shall be charged against accumulated sick leave. Pregnancy disability leave shall be available to an excepted service employee who suffers a still birth.

**§ 10-10-260 Maternity and Paternity Leave**

Maternity or paternity leave shall be granted to an excepted service employee who is absent from work because of the employee (maternity leave) or the employee's wife (paternity leave) giving birth. Such maternity or paternity leave shall not exceed two work-days and shall be taken within one week of the date of childbirth. Paternity leave will only be granted in cases of legal marriage.

**§ 10-10-265 Military Leave**

Military leave with pay may be granted to excepted service employees for a period not to exceed fifteen working days in any calendar year, regardless of the number of training periods in the year.

**§ 10-10-270 Extended Military Leave**

Extended military leave shall be granted to excepted service employees pursuant to the federal Uniformed Services Employment and Reemployment Act (USERRA).

**§ 10-10-275 FMLA Leave**

Leave under the federal Family and Medical Leave Act of 1993 (FMLA) shall be granted to excepted service employees as provided in FMLA.

**§ 10-10-280 Part-time Accrual**

Part-time or intermittent employees with regular scheduled tours of duty of forty to less than eighty hours during a biweekly period will accrue annual leave and sick leave at a pro rated amount of the full time benefit, rounded off to the nearest quarter hour per pay period, and will be eligible for other paid leaves, provided in this part, at this rate.

Part-time or intermittent employees with regular scheduled tours of duty of less than forty hours during a biweekly pay period will not accrue annual or sick leave or be eligible for the other paid leave benefits. If a part-time or intermittent employee takes leave without pay (LWOP) or is in an absence without leave (AWOL) status for a scheduled duty period there will be no leave accrual for that pay period.

**§ 10-10-285 Transfer within the Executive Branch**

If an excepted service employee transfers to another excepted service position within the executive branch, the new employer will assume any liability for the payment or transfer of all earned contractual benefits. Transfers to similar positions within the executive branch with no change in salary may be affected by the employer with or without the employee's permission.

### **§ 10-10-290 Transfer to Other Government Entity**

If an excepted service employee transfers to another government entity, the receiving entity will assume any liability for the payment or transfer of all earned contractual benefits. Similarly, the executive branch will assume a similar liability for the payment or transfer of all earned contractual benefits if it accepts the transfer of an employee contractually entitled to such benefits from another government entity.

## **Part 300 - Employee Conduct and Obligations**

### **§ 10-10-301 Mediation Procedure**

Excepted services employees may seek dispute resolution to resolve conflicts and disputes by means of a mediation procedure as provided by the Office of Personnel Management and pursuant to available resources.

### **§ 10-10-305 Termination of Services to the Government**

- (a) The government may terminate the employee without cause upon written notice sixty days in advance of the date of termination of employment. This time may be shortened only by specifying in the employment contract a lesser period of advance notice. Such notice shall specify the date of termination and be delivered in person to the employee, or by certified mail if the employee is otherwise unavailable for personal delivery.
- (b) The government may terminate the employee with cause upon written notice seven days in advance of termination of employment.
- (c) When resigning, the employee must give sixty-days advance written notice in terminating employment. When considered to be in the best interests of the government, this time may be shortened or lengthened by the employer stating in the space provided in the employment contract the specific period of advance written notice that will be required. At the time of resignation, the employer may waive the advance written-notice requirement.

### **§ 10-10-310 Non-discrimination Policy**

- (a) It is the policy of the Commonwealth government that discrimination, for or against any employee, because of race, creed, color, gender (including sexual harassment), sexual orientation, national origin, age, religion, political affiliation, organizational membership, veterans status, disability, or genetic information is prohibited and will not be tolerated.
- (b) All agencies shall maintain every workplace free from unlawful harassment, including sexual harassment. Any employee or official who engages in any act of discrimination or harassment on the basis of any of the above factors violates government policy, and such misconduct will subject the employee to corrective action ranging from counseling to disciplinary action up to and including termination. Such harassment by a non-employee (for example, a client or contractor) is also prohibited. Employers shall not tolerate any such outside harassment and shall take necessary action to prevent its continuation or recurrence.
- (c) Any employee who feels that he or she has been discriminated against on the basis of any of the above factors, or sexually harassed, should immediately report such incidents to a supervisor at any level without fear of reprisal. In cases of sexual harassment, procedures should be followed in accordance with 10-10-315. Confidentiality will be maintained to the extent permitted by the circumstances.
- (d) An employer who receives a claim of discrimination or harassment in violation of this policy shall take such complaint seriously and immediately advise the Director of Personnel or the Commonwealth Equal Employment Opportunity (EEO) Coordinator of the situation. The employer, with the assistance of the EEO

Coordinator, will ensure that it is investigated promptly, privately, and with as much confidentiality as possible, consistent with the need to determine the facts. The investigation will be documented by an investigative report that will be retained in a confidential file by the EEO Coordinator. Any person accused of a violation shall be allowed the opportunity to rebut the charges.

- (e) After determining the facts through the investigation, the employer shall take corrective action as required by the circumstances. This may include counseling any employee, whether or not a violation has occurred; imposing an appropriate sanction, including disciplinary action; making sure that this policy is reiterated to all employees or any group. An employer, or any supervisory staff, who does not take appropriate action also violates this policy and exposes the Commonwealth government to liability.

#### **§ 10-10-315 Non-tolerance of Sexual Harassment**

##### **(a) Applicability**

This policy and procedure applies to all excepted service employees of the Commonwealth government.

##### **(b) Purpose**

This policy and procedure will establish the Commonwealth government's policy of non-tolerance of sexual harassment of any form, by its employees, toward its employees, or by non-governmental agents against the government's clients or employees. It will also provide guidance for the education and training of employees to recognize, avoid and prevent sexual harassment in the workplace. This policy and procedure will provide steps for reporting, investigating and taking administrative action in situations involving sexual harassment.

##### **(c) Definitions**

- (1) Sexual harassment is an unwelcome sexual advance, request for sexual favors or other verbal or physical conduct of a sexual nature. Sexual harassment occurs when:
  - (i) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
  - (ii) Submission or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or
  - (iii) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostility or offensive work environment.
- (2) Sexual harassment can be divided into two basic types of misconduct:
  - (i) When an employee suffers or is threatened with a quid pro quo (this for that) situation. This form of sexual harassment occurs when a supervisor or someone else with authority over the victim makes a put out or get out demand, such as submit to my sexual requests or you will be fired, demoted, passed over for promotion, or in some other way made miserable on the job. This type of sexual harassment can be committed only by someone in the organization structure who has the power to control the victim's job destiny.
  - (ii) When behavior in the workplace creates a hostile environment. This form of sexual harassment occurs when a supervisor, co-worker, or someone else with whom the victim comes into contact on the job creates an abusive work environment or interferes with the employees work performance through words or deeds because of the victim's gender. The following kinds of behavior have been recognized by the courts as contributing to a sexually hostile environment:
    - (A) Discussing sexual activities;
    - (B) Telling off-color jokes;
    - (C) Unnecessary touching;
    - (D) Commenting on physical attributes;
    - (E) Displaying sexually suggestive pictures;
    - (F) Using demeaning or inappropriate terms, such as babe, honey, etc.;
    - (G) Using indecent gestures;
    - (H) Sabotaging the victims work;
    - (I) Engaging in hostile physical conduct;
    - (J) Granting job favors to those who participate in consensual sexual activity; or

- (K) Using crude and offensive language;
  - (L) Wearing provocative, sensual attire, i.e. tight, skimpy, short-length, etc.
  - (iii) The above listed behaviors can create a liability for the government and any such conduct must be addressed and corrected at its earliest stage before it becomes severe or pervasive.
  - (3) A workplace environment is considered sexually hostile when conduct occurs that meets the following two conditions:
    - (i) It must be subjectively perceived as abusive by the person(s) affected, and
    - (ii) It must be objectively severe or pervasive enough to create a work environment that a reasonable person would find hostile or abusive.
    - (iii) A determination of whether or not a situation would be construed as sexual harassment should also take into consideration the following factors:
      - (A) The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex;
      - (B) The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker or a non-employee;
      - (C) The victim does not have to be the person harassed, but could be anyone affected by the offensive conduct;
      - (D) Unlawful sexual harassment may occur without economic injury to the victim;
      - (E) The harasser's conduct must be unwelcome.
  - (4) Sexual discrimination is distinguished from sexual harassment in that it reflects biases in employment actions based upon gender, but does not involve the abusive behavior described in subsection (b) above.
- (d) Policy
- (1) It is the policy of the Commonwealth government that all employees shall enjoy a work environment free from sexual harassment and all forms of discrimination. Sexual harassment is illegal, under Title VII of the Civil Rights Act of 1964, as amended and as implemented by 29 CFR 1604.11, and is prohibited under this chapter and article 1, section 6, of the Commonwealth Constitution.
  - (2) Sexual harassment is specifically prohibited and will not be tolerated in any form, regardless of whether the offensive conduct is committed by supervisors, managers, non-supervisors (co-workers) or non-employees (consultants, contractors, general public).
  - (3) All employees are encouraged to report any violation of this policy. If management is not aware of specific incidents of sexual harassment in the workplace it cannot properly address them. If an employee observes or is subjected to sexually discriminatory or harassing behavior in the workplace, it should be reported immediately to the departmental EEO counselor or coordinator so it can be resolved at the earliest possible time. Employees will not be retaliated against for making truthful statements about perceived harassment.
  - (4) No employee will be denied or will receive employment opportunities and/or benefits because of a sexual relationship with a co-worker or supervisor. No employee or non-employee shall imply to an employee, an applicant for employment, or a client of a government activity, that conduct of a sexual nature will have an effect on that person's employment, assignment, advancement, other condition of employment, or any other relationship with the government. Any incidents of this type, upon verification by investigation, will be subject to disciplinary and corrective action.
  - (5) The employer, at all supervisory levels, is responsible for the occurrence of acts of sexual harassment in the work place when they know or should have known of the prohibited conduct. As an official of the Commonwealth government, a supervisor's improper action or failure to act creates a liability on the part of the government. All incidents of sexual harassment will be immediately reported to the Equal Employment Opportunity Coordinator, Division Director or Department Head/employer for guidance. Supervisors and managers who knowingly allow harassing behavior to occur, or participate in such behavior, will be subject to disciplinary action.
  - (6) The Director of Personnel, as the Deputy Commonwealth Equal Employment Officer, will be immediately informed by all Department and Activity Heads of any incident of sexual harassment reported within their organization, or of any charges received from the Equal Employment Opportunity Commission (EEOC).
  - (7) The Director of Personnel will ensure that all sexual harassment complaints receive swift and thorough investigations. Appropriate action will be taken in situations where the complaint is validated to correct the situation and appropriately discipline the harasser. Complaints determined to be deliberate false accusations will also be treated as potential disciplinary situations. Situations where the victim requests

that no investigation be conducted or action taken must also be investigated and acted upon to avoid future liability and to effect consistent enforcement of the Commonwealth's policy of non-tolerance for sexual harassment.

- (8) Complaints of sexual harassment should be filed immediately upon occurrence to facilitate a timely response and to minimize the time that an employee would be subjected to such treatment. However, per EEOC statutes complaints may be filed anytime within one-hundred and eighty days of an incident's occurrence.
  - (9) Incidents of harassment due to an employee's sexual orientation, while not covered by law as an Equal Employment Opportunity violation, are a violation of the Commonwealth's policy of ensuring that every employee is provided with a work environment that is safe, non-threatening and non-discriminatory. Incidents of this nature comprise misconduct and will be subject to disciplinary action.
  - (10) The hiring of an employee with a known history of sexual harassment or misconduct could result in government liability for negligent hiring. No applicant for employment with such a history will be employed without a complete background investigation and the specific approval of the Director of Personnel.
  - (11) Each employer is required to distribute this policy to every employee under his or her authority and to ensure that this policy is posted in an accessible location at all times.
  - (12) All supervisors will be provided training on identifying and preventing sexual harassment in the workplace. They will also receive training on how to conduct a limited administrative investigation and the reporting procedures for allegations of harassment.
- (e) Procedures
- (1) Any government official who is aware of an incident or situation involving sexual harassment must report it immediately to his or her Equal Employment Opportunity Coordinator, Division Director, Department Head/ employer. The Commonwealth government has legal liability for any action where a government official subjects an employee to sexual harassment, or is aware that an employee subjects another employee to sexual harassment and fails to take corrective action.
  - (2) Any employee who is personally subjected to sexual harassment, or is aware that other employees are being subjected to sexual harassment, should report the incident or situation immediately to his or her departmental Equal Employment Opportunity Coordinator, Division Director or Department Head/employer. If the employee does not feel comfortable bringing it to the attention of any of these parties, or the Division Director or Department Head/employer is somehow involved in the harassment, he or she should immediately contact the Commonwealth Equal Employment Coordinator at the Office of Personnel Management, or the Director of Personnel directly. The initial contact does not have to be in writing.
  - (3) If the sexual harassment incident involves a physical assault, such as rape, attempted rape, assault or other actions involving physical contact, either the employee or the official who becomes aware of the incident should report it immediately to the Department of Public Safety for immediate processing and investigation. Any physical evidence should not be disturbed until the arrival of the Department of Public Safety.
  - (4) All incidents of alleged sexual harassment must be immediately reported to the Commonwealth Equal Employment Opportunity Coordinator at the Office of Personnel Management or directly to the Director of Personnel as soon as the employer, or other senior official in case of the employer's unavailability, becomes aware of it. The complaining employee should be interviewed by the departmental Equal Employment Coordinator, legal counsel, Division Director, or the Department Head/employer to determine the basic facts of the allegation. The Director of Personnel or the Commonwealth Equal Employment Opportunity Coordinator will then be consulted to determine if the investigation will be conducted at the departmental level or if an outside investigator will be appointed.
  - (5) Due to the potential legal liabilities resulting from sexual harassment situations, the Director of Personnel will assume responsibility for the investigation and assign the investigating official (selected EEO official, manager or legal counsel) or unit (Office of the Attorney General or Department of Public Safety).
  - (6) All allegations of sexual harassment from employees or perceptions of sexual harassment from third parties or management staff will be reported to the Director of Personnel and will be investigated. Those situations where the victim requests that no investigation be conducted or action taken must also be investigated and acted upon to avoid future liability and to effect consistent enforcement of the Commonwealth's policy of non-tolerance for sexual harassment.



- (7) The department(s) involved in the complaint and the official or unit appointed to conduct the investigation will cooperate fully with the Office of Personnel Management in the process of investigating, reporting and resolving the complaint.
  - (8) The department(s) involved in the complaint and the Office of Personnel Management will ensure that no retaliation is taken against the complainant or any witnesses by the alleged harasser or by any other employees.
  - (9) In the process of investigating the complaint, the following guidance will be followed at all times:
    - (i) All complaints will be taken seriously.
    - (ii) Guilt should not be presumed on either party. The rights of both parties must be protected.
    - (iii) Both parties should be afforded the opportunity to state their side.
    - (iv) Confidentiality must be maintained at all times.
  - (10) An administrative investigation will be completed as expeditiously as possible. The final report will be delivered to the Director of Personnel in the following format:
    - Summary of Incident
    - Findings of Fact
    - Discussion
    - Conclusions
    - Recommendations
  - (11) The Director of Personnel will review the investigative report to ensure that the facts support the conclusions and that the recommendations are reasonable and consistent with the Commonwealth's disciplinary policy. The Office of the Attorney General will be consulted to ensure that the resolution is legally appropriate.
  - (12) The Director of Personnel will forward the final report to the Department/employer with the Office of Personnel Management's recommendations for the resolution of the complaint.
  - (13) (i) Depending upon the severity of the incident of sexual harassment, the resolution of the situation could involve the following administrative actions:
    - (A) Conference/counseling
    - (B) Oral or written warning
    - (C) Letter of reprimand
    - (D) Suspension
    - (E) Demotion
    - (F) Termination
 (ii) Any administrative actions are separate from and not contingent upon any civil or criminal court actions.
  - (14) The employer will resolve the complaint/grievance based upon the investigation and the recommendation of the Office of Personnel Management. If the Department Head/employer disagrees with the recommended resolution, he or she must immediately meet with the Director of Personnel to resolve their differences. If both parties cannot reach agreement, the case will immediately be brought before the Governor for a final decision.
  - (15) Either the complainant or the respondent may appeal the final resolution to the Director of Personnel, not later than fifteen days after receiving notice of the final resolution. If the complainant or the respondent are excepted service employees and are not gubernatorial or mayoral appointees, they may appeal the final resolution to the Director of Personnel, not later than fifteen days after receiving notice of the final resolution. Complainants or the respondents who are gubernatorial or mayoral appointees may formally request in writing for the employer to review the decision in their case, but final resolutions approved by the Governor or Mayors on cases involving their respective appointees are not subject to appeal.
  - (16) The Director of Personnel will conduct a hearing on the appeal and make a final decision on the matter.
  - (17) Incidents or situations of sexual discrimination that do not involve acts of harassment will be processed through the normal grievance procedure utilized for other Equal Employment Opportunity complaints.
- (f) Records and Reports
- (1) The Office of Personnel Management will maintain records of all allegations of sexual harassment to include copies of investigative reports.
  - (2) Records of on-going investigations will be kept in a confidential file separate from the official personnel folder. Upon resolution of the complaint, appropriate records of the resolution or disciplinary action will be placed in the appropriate official personnel folder.

- (3) The Office of Personnel Management will report to the Governor annually in its annual personnel report on the number of sexual harassment cases and their resolution.

(g) Responsibilities

- (1) All employees will be familiar with the Commonwealths Equal Employment Opportunity and Non-tolerance of Sexual Harassment Policies and will comply with these policies to create a safe, non-threatening and non-discriminatory workplace.
- (2) All supervisors, managers and directors will develop and maintain a work environment that is safe, non threatening and non-discriminatory. They will ensure that all employees know that sexual harassment will not be tolerated and will ensure that any incident of sexual harassment is reported as directed by this policy.
- (3) All Equal Employment Program counselors must be knowledgeable concerning equal employment opportunity laws, regulations and policies, both federal and Commonwealth, and will strive to remain up-to-date on current EEO trends and activities. They will make themselves readily available to listen to EEO-related complaints in their department or activity and provide counseling and assistance to affected employees. They will coordinate with the department/activity EEO Coordinator.
- (4) All Department/Activity Equal Employment Coordinators must be knowledgeable concerning Equal Employment Opportunity laws, regulations and policies, both federal and Commonwealth and will strive to remain up-to-date on current EEO trends and activities. The coordinators will provide EEO expertise and assistance to the department/activity EEO counselors and management staff. They will coordinate with the Commonwealth EEO Coordinator.
- (5) All Department or Activity Heads, as activity Equal Employment Officers, will issue an Equal Employment Opportunity policy statement and establish a departmental Equal Employment Opportunity Program that includes a policy of non-tolerance of sexual harassment. They will hold their supervisors, managers and directors accountable for developing and maintaining a work environment that is safe, non-threatening and nondiscriminatory. They will enforce the Commonwealths policy of non-tolerance of sexual harassment and take reasonable and consistent action in resolution of any sexual harassment situation.
- (6) The Director of Personnel, as the Deputy Equal Employment Officer for the Commonwealth, will ensure the development and maintenance of a viable Commonwealth wide Equal Employment Opportunity Program that includes training at all levels in prevention and resolution of sexual harassment situations. The Director of Personnel will initiate administrative investigations for all allegations of sexual harassment and will ensure their appropriate resolution in accordance with this policy and procedure.
- (7) The Governor, as the Equal Employment Officer for the Commonwealth, will establish and promote a policy of non-tolerance of sexual harassment in any form. The Governor will hold all Department and Activity Heads accountable for their active support of the Commonwealths Equal Employment Opportunity and non-tolerance of sexual harassment policies, and for their fulfillment of the responsibilities assigned in this policy and procedure.

(h) Equal Employment Opportunity Commission

- (1) If an employee's sexual harassment complaint is not acted upon to his or her satisfaction, the employee has the option of filing a complaint with the Equal Employment Opportunity Commission (EEOC). Complainants also have the option of filing their complaint directly with the EEOC. It should be noted that there is a statutory limitation of 180 days from the harassing/discriminatory incident during which the complaint may be filed.

The EEOC in Hawaii is located at:

300 Ala Moana Blvd.  
Room 7123A  
Box 50082  
Honolulu, Hawaii, 96850  
(808) 541-3120

The EEOC in San Francisco, California, is located at:

901 Market Street  
Suite 500  
San Francisco, California, 94103  
(415) 356-5100

- (2) Although the Commonwealth government would like to resolve all complaints through its administrative processes, employees will not be subjected to any retaliatory actions for filing a complaint with the Equal Employment Opportunity Commission.

#### **§ 10-10-320 Anti-Bullying Policy**

- (a) The Commonwealth is committed to providing all employees a healthy and safe work environment. It is the policy of the government that workplace bullying will not be tolerated. All agencies shall maintain every workplace free from bullying. This policy shall apply to all excepted service employees, regardless of his or her employment status.
- (b) Bullying is defined as persistent, malicious, unwelcome, severe and pervasive mistreatment that harms, intimidates, offends, degrades or humiliates an employee, whether verbal, physical or otherwise, at the place of work and/or in the course of employment.
- (1) The following types of behavior have been interpreted to constitute workplace bullying. This list is not meant to be exhaustive and is only offered by way of example:
- (i) Staring, glaring or other nonverbal demonstrations of hostility;
  - (ii) Exclusion or social isolation;
  - (iii) Excessive monitoring or micro-managing;
  - (iv) Work-related harassment (work-overload, unrealistic deadlines, meaningless tasks);
  - (v) Being held to a different standard than the rest of an employee's work group;
  - (vi) Consistent ignoring or interrupting of an employee in front of co-workers;
  - (vii) Personal attacks (angry outbursts, excessive profanity, or name-calling);
  - (viii) Encouragement of others to turn against the targeted employee;
  - (ix) Sabotage of an employee's work product or undermining of an employee's work performance;
  - (x) Stalking;
  - (xi) Repeated infliction of verbal abuse, such as the use of derogatory remarks, insults and epithets;
  - (xii) Conduct that a reasonable person would find hostile, offensive, and unrelated to the employer's legitimate business interests.
- (2) Workplace bullying must be addressed and corrected at its earliest stage before it becomes severe or pervasive.
- (c) Any employee who feels that he or she has been bullied should immediately report such incidents to a supervisor at any level without fear of reprisal.
- (d) An employer who receives a claim of bullying in violation of this policy shall take such complaint seriously and immediately advise the Director of Personnel or the Commonwealth Equal Employment Opportunity (EEO) Coordinator of the situation. The employer, with the assistance of the EEO Coordinator, will ensure that it is investigated promptly, privately, and with as much confidentiality as possible, consistent with the need to determine the facts. The investigation will be documented by an investigative report that will be retained in a confidential file by the EEO Coordinator. Any person accused of a violation shall be allowed the opportunity to rebut the charges.
- (e) After determining the facts through the investigation, the employer shall take corrective action as required by the circumstances. This may include counseling any employee, whether or not a violation has occurred; imposing an appropriate sanction, including disciplinary action; making sure that this policy is reiterated to all employees or any group. An employer, or any supervisory staff, who does not take appropriate action also violates this policy and exposes the Commonwealth government to liability.

#### **§ 10-10-325 Alcohol and Drug Free Workplace Policy**

- (a) Policy
- As an employer, the government recognizes it has a responsibility to its employees and the public it serves to take reasonable steps to assure safety in the workplace and in the community. Furthermore, the government is concerned about the adverse effect alcohol and drug abuse has on safe and productive job performance. It also recognizes that any employee, who's ability to perform safely and productively is affected by the use of alcohol and other drugs,

jeopardizes the integrity of the workplace and the achievement of the government's mission. The government realizes that alcoholism, problem drinking and drug addiction are treatable illnesses. The government, therefore, encourages employees who have problems with drugs or alcohol to utilize all available resources to resolve their problems before those problems affect their job performance.

(b) Definitions

For the purposes of this section, the following definitions apply:

- (1) Accident. An event which causes
  - (i) A fatality,
  - (ii) An injury to a person requiring professional medical treatment beyond simple at-scene first aid, or
  - (iii) An economic loss, including property damage, greater than \$2,500.00.
- (2) Assessment. A determination of the severity of an individual's alcohol or drug use problem and an analysis of the possible courses of treatment, made by an expert in the field of substances abuse.
- (3) Breath Alcohol Concentration (B.A.C.). The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath testing device (E.B.T.).
- (4) Breath Alcohol Technician (B.A.T.). An individual authorized to collect breath specimens under subsection (g)(2) and who operates an E.B.T.
- (5) Consulting Physician. A licensed physician retained or employed by the government to advise on drug testing.
- (6) Drug. A substance
  - (i) Recognized in the official United States Pharmacopoeia, the official Homeopathic Pharmacopoeia of the United States, or the official National Formulary, or any supplement to any of them; or
  - (ii) Intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in humans or other animals; or
  - (iii) Other than food, minerals, or vitamins, intended to affect the structure or any function of the body of a human or other animal; or
  - (iv) Intended for use as a component of any article specified in subsection (b)(6)(i), (ii), or (iii) above. Devices or their components, parts, or accessories are not considered drugs under this definition.
- (7) Evidential Breath Testing Device (E.B.T.). A device which is
  - (i) Approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath; and
  - (ii) Is on the NHTSAs Conforming Products List of E.B.T.s; and
  - (iii) Conforms with the model specifications available from the NHTSA, Office of Alcohol and State Programs.
- (8) Illegal Drug. A drug that
  - (i) Is not obtained legally; or
  - (ii) Is knowingly used for other than the prescribed purpose or in other than the prescribed manner; or
  - (iii) Is a designer drug or drug substance not approved for medical or other use by the U. S. Drug Enforcement Administration or the U. S. Food and Drug Administration.
- (9) Invalid Test. A breath or urine test that has been declared invalid by a Medical Review Officer (M.R.O.), including a specimen that is rejected for testing by a laboratory for any reason. An invalid test shall not be considered either a positive or a negative test result.
- (10) Medical File. The file containing an employee's medical examination form, mental health referrals, alcohol and drug test results and other health related documents, maintained by the Office of Personnel Management separate from an employee's official personnel folder.
- (11) Medical Review Officer (M.R.O.). A licensed physician, appointed by the government, with specialized training in substance abuse disorders and in the use and evaluation of drug test results. The M.R.O. shall be the only person authorized to receive laboratory drug test results and shall be the primary contact for technical inquiries to the drug testing laboratory.
- (12) Reasonable Suspicion. A perception based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of an individual or on specific facts, circumstances, physical evidence, physical signs and symptoms, or on a pattern of performance or behavior that would cause a trained supervisor to reasonably conclude that the individual may be under the influence of alcohol or illegal drugs while on duty.
- (13) Safety-sensitive. A word describing activities which directly affect the safety of one or more persons, including the operation of motor vehicles or heavy machinery or the carrying of firearms. Each

department, entity or organization head, in conjunction with the Director of Personnel Management, shall identify all positions to be considered safety-sensitive positions due to the amount of time the employee spends performing safety sensitive functions.

- (14) Statement of Fitness for Duty. A written statement from a substance abuse professional (S.A.P.), certifying that the named employee is not dependent on alcohol or any drug to the extent such dependence will affect safe and productive work.
  - (15) Substance Abuse Professional (S.A.P.). A physician, psychologist, psychiatrist, or social worker with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders; or a counselor certified by the National Association of Alcoholism and Drug Abuse Counselors.
  - (16) Under the Influence. A condition where a person's behavior, attention, or ability to perform work in the usual careful fashion has been adversely affected by the use of alcohol or drugs; intoxicated.
  - (17) Vehicle. A device in, upon or by which any person or property is or may be propelled or moved on a highway, on a waterway, or through the air.
- (c) Prohibited Conduct
- (1) Sale, Purchase, Possession with Intent to Deliver, or Transfer of Illegal Drugs. No employee shall
    - (i) Sell, purchase, or transfer;
    - (ii) Attempt to sell, purchaser or transfer; or
    - (iii) Possess with the intent to deliver, any illegal drug while on government property, in any government vehicle or on any government business. It is a defense to this provision that the employee is employed by a law enforcement agency and the conduct occurs as part of the employees assigned duties for the purpose of investigating illegal drug trafficking.
  - (2) Possession of Illegal Drugs. No employee shall possess any illegal drug on government property, in any government vehicle, or while on government business. It is a defense to this provision that the employee is employed by a law enforcement agency and the conduct occurs as part of the employees assigned duties for the purpose of investigating illegal drug tracking.
  - (3) Possession of Open Containers of Alcohol. No employee shall possess an open container of alcohol in any vehicle while on duty or in any government vehicle at any time. No employee shall possess an open container of alcohol while at his or her workplace.
  - (4) Under the Influence of Alcohol or Illegal Drugs. No employee shall be under the influence of alcohol or any illegal drug when at work, or reporting to work with the intention of working. As used in this subsection, alcohol includes any alcohol found in any prescription or non-prescription drug such as cough syrup. An employee is presumed to be under the influence of alcohol or an illegal drug if
    - (i) The employee has a B.A.C. of 0.02 or more;
    - (ii) The employee has a detectable amount of any illegal drug in his or her urine;
    - (iii) The employee uses alcohol or any illegal drug while on call when the employee knows he or she may be called upon to perform safety-sensitive functions;
    - (iv) The employee uses alcohol or any illegal drug within four hours prior to reporting to work and expects to perform a safety-sensitive duty.
  - (5) Refusal to Be Tested. No employee required to be tested for drugs or alcohol under any provision of this section shall refuse to be tested. The following conduct shall be considered a refusal to be tested:
    - (i) Refusing in writing to submit to testing after receiving clear and specific written notice of the requirement to be tested;
    - (ii) Refusing verbally, in front of at least two witnesses, to submit to testing after receiving clear and specific written notice of the requirement to be tested;
    - (iii) Failing to timely provide an adequate specimen for testing, without a valid medical explanation, after receiving clear and specific written notice of the requirement to be tested. An M.R.O. or consulting physician shall determine if there is any medical reason for failure to provide an adequate urine sample (shy bladder) or an adequate breath sample (shy lung);
    - (iv) Engaging in conduct that clearly obstructs the specimen collection process;
    - (v) Failing to remain available for post-accident testing, or leaving the scene of an accident before a testing decision is made. An employee may leave the scene of an accident only to obtain necessary medical care or assistance in responding to the accident. If the employee leaves the scenes the employee must notify his or her supervisor as soon as possible of his or her location and reason for leaving the scene;
    - (vi) Consuming alcohol or illegal drugs after an accident and before a testing decision is made;

- (vii) Failing to report, during the work shift in which an accident occurred, an accident which could have resulted in a testing decision; and
  - (viii) Failing to report to the specimen collection site timely after being informed of the requirement to be tested.
- (6) Giving False Information. No employee shall give false information about a urine specimen or attempt to contaminate or alter the specimen.
  - (7) Refusal to Comply with Treatment Recommendations. No employee shall fail to comply with recommendations for treatment or after-care made by an M.R.O. or S.A.P. as a consequence of a prior positive drug or alcohol test result.
  - (8) Failure to Notify Government of Conviction. No employee shall fail to notify the Director of Personnel Management of any criminal drug statute conviction, within five days of such conviction, if the violation of the criminal drug statute occurred while the employee was conducting Commonwealth business, or while on or using Commonwealth property.
  - (9) Supervisors Responsibility for Confidentiality. No employer shall knowingly disregard an employee's right to confidentiality in matters relating to alcohol or drug testing or otherwise neglect his or her responsibilities under this section.
- (d) Penalties and Consequences
- (1) Disciplinary Action. An employee committing any act prohibited by subsection (c) shall be subject to an appropriate form of discipline, depending on the circumstances.
    - (i) Generally. Where an employee commits an act prohibited by subsection (c) without valid reason, the employee shall be disciplined up to and including removal. At a minimum, the employee shall receive a formal reprimand. If the prohibited act committed by the employee relates to the use or possession of alcohol or illegal drugs, the employee shall be referred to an S.A.P. for assessment and treatment.
    - (ii) First offense, under the influence. An employee found to be under the influence; of alcohol or illegal drugs in violation of subsection (c)(4), for a first offense, shall not be subject to removal solely for being under the influence of alcohol or illegal drugs. However, if the person is also involved in an accident depending on the circumstances, the employer may decide to initiate a disciplinary action for removal, even on a first offense.
    - (iii) Serious offenses. The following acts, even for a first offense, will result in an immediate disciplinary action for removal:
      - (A) The sale, purchase, possession with intent to deliver, or transfer of illegal drugs, or the attempt to sell, purchase or transfer illegal drugs in violation of subsection (c)(1);
      - (B) Being involved in an accident resulting in a fatality while under the influence of alcohol or illegal drugs, in violation of subsection (c)(4);
      - (C) While performing and about to perform duties in a safety sensitive position, being under the influence of alcohol or illegal drugs, in violation of subsection (c)(4);
      - (D) An unexcused refusal to be tested, in violation of subsection (c)(5);
      - (E) Giving false information, contaminating or attempting to contaminate a urine sample, in violation of subsection (c)(6);
      - (F) Failing to notify the proper authority of conviction for a drug offense in violation of subsection (c)(8);
      - (G) Testing positive for alcohol or illegal drugs within five years of a prior positive test; and
      - (H) Breaching any term of a return to duty contract executed under the provisions of subsection (e)(2).
  - (2) Information Concerning Treatment Options. Those employees not removed from government service after committing any act prohibited by subsection (c) shall be informed of resources available for evaluating and resolving problems associated with the use of alcohol and illegal drugs. At a minimum, the Office of Personnel Managements Alcohol and Drug Free Workplace Coordinator shall give the names addresses, and telephone numbers of local S.A.P.s and substance abuse counseling or treatment programs. The employees will then be required to fulfill all the specified steps of treatment before being considered ready for return to duty.
  - (3) Report to Department of Public Safety. An employee committing any act prohibited by subsection (c)(1) or (c)(2) shall be reported, by the employer, to the Department of Public Safety for the purpose of possible criminal prosecution.
  - (4) Duty/Pay Status Pending Disciplinary Action. Unless the employee was involved in an accident resulting in a fatality, an employee subject to a disciplinary action for committing any act prohibited by subsection

(c), except for subsection (c)(7), shall be allowed to remain on the job pending resolution of any proposed disciplinary action but shall not be allowed to perform a safety-sensitive function, even if that means assigning the employee duties the employee would not otherwise be performing. An employee subject to a disciplinary action for committing any act prohibited by subsection (c) who was involved in a fatal accident shall be placed on leave without pay pending resolution of the disciplinary action for removal.

(e) Return to Work Procedures

- (1) Prerequisites to Returning to Duty. No employee who has tested positive for the presence of alcohol or illegal drugs shall be allowed to return to work until the employee has:
  - (i) Complied with treatment recommendations of an M.R.O. or S.A.P. and been released for work by an S.A.P. in consultation, when appropriate, with the M.R.O. or a consulting physician;
  - (ii) Tested negative in a subsequent test paid for by the employee for the presence of alcohol, if the removal from duty was due to alcohol use; or cocaine, marijuana, opiates, amphetamines, and phencyclidine, if the removal from duty was due to drug use; and
  - (iii) Agreed to execute a return to duty contract.
- (2) Return to Duty Contract. The return to duty contract shall include the following provisions:
  - (i) Aftercare. An agreement to comply with aftercare and follow up treatment recommendations for one to five years, as determined appropriate by the employees S.A.P.;
  - (ii) Follow-up testing. An agreement to unannounced alcohol or drug testing, depending on the substance which resulted in the removal from duty, paid for by the employee, for one to five years, as determined appropriate by the employees S.A.P., but there shall be no fewer than six tests in the first year after the employee returns to work;
  - (iii) Compliance with rules. An agreement to comply with government rules, policies, and procedures relating to employment;
  - (iv) Term. An agreement that the terms of the contract are effective for five years after the employees return to duty; and
  - (v) Breach of contract. An agreement that violation of the return to duty contract is grounds for termination.

(f) Testing Occasions

- (1) Pre-employment Testing. At the time of application, persons applying for any position within the excepted service will be notified that any offer of employment is contingent upon a negative urine test. After receiving an offer of employment, the candidate shall be tested for the presence of cocaine, marijuana, opiates, amphetamines, and phencyclidine in the urine. The test shall be paid for by the candidate. Testing shall be in compliance with subsection (h), below. Applicants who were previously employed by the government and applicants who have had an offer for government employment withdrawn due to a previous positive urine test result, must also provide a written release of drug testing history for the two years immediately preceding the application date.
  - (i) No new excepted service candidate may be assigned to work in any position until he or she presents the results of a urine test, taken after the offer for employment has been made, that shows negative for the presence of cocaine, marijuana, opiates, amphetamines, and phencyclidine.
  - (ii) If the candidate's test result is positive for the presence of a tested drug, without a legitimate explanation, the offer of employment will be withdrawn.
  - (iii) If the candidate presents a drug testing history showing a positive drug test within two years prior to the application date, the offer of employment will be withdrawn unless the candidate submits a statement of fitness for duty and agrees to execute an agreement similar to a return to duty contract described in subsection (e)(2).
- (2) Reasonable Suspicion Testing. Where there is a reasonable suspicion that an employee is under the influence of alcohol or drugs while at work or about to begin work, he or she shall submit to a breath or urine test for the presence of alcohol, cocaine, marijuana, opiates, amphetamines, and phencyclidine, upon written notice from the employee's supervisor. Except as otherwise provided, the government shall pay for the testing.
  - (i) Properly trained supervisor. Only a supervisor with government-approved training in the physical, behavioral, and performance indicators of probable drug and alcohol use is permitted to make reasonable suspicion testing decisions.

- (ii) Objective inquiry. The properly trained supervisor will observe the employee suspected of being under the influence of alcohol or illegal drugs. A decision to request testing shall be based on eye witness reports, facts of the event and observed physical and behavioral characteristics of the employee. Prior to making the decision to require testing, the supervisor will question the employee in a private area to ascertain whether there are any reasons other than alcohol or drug use for any behavior observed.
  - (iii) Verification. No employee shall be required to submit to a drug or alcohol test based on reasonable suspicion unless the need for the test is verified by a second properly trained government employee. The regained verification shall be done in person.
  - (iv) Transportation assistance. The employee shall be accompanied to the collection site by a supervisor or manager, and shall be provided transportation home from the collection site. If the individual refuses and demands to drive his/her vehicle, the supervisor or manager shall notify the Department of Public Safety.
  - (v) Duty pending test results. Until the results of the drug and alcohol test are complete and verified, no employee tested based upon reasonable suspicion shall be allowed to perform or continue to perform a safety-sensitive duty.
  - (vi) Report. The supervisor ordering reasonable suspicion testing shall put in writing, in detail, the facts leading to the decision. This report shall be considered confidential and will be maintained in the employee's medical file, which is confidential, until needed for a disciplinary action. Only at that time will the report be filed in the employee's official personnel folder.
- (3) Post-accident Testing. As soon as practical after an accident any employee whose action or inaction may have contributed to the accident must submit to breath and urine tests for the presence of alcohol, cocaine, marijuana, opiates, amphetamines, phencyclidine, upon written notice from the employees supervisor. Except as otherwise provided, the government shall pay for the testing.
- (i) Supervisor training. Only a supervisor with government- approved training in the physical, behavioral, and performance indicators of probable drug and alcohol use is permitted to make post-accident testing decisions.
  - (ii) Objective inquiry. A supervisor's decision to request testing shall be based on eye witness reports, facts of the event, and observed physical and behavioral characteristics of the employee. Specifically, the properly trained supervisor shall require the driver of any government vehicle or the operator of any government equipment involved in the accident to be tested.
  - (iii) Transportation assistance. The employee shall be accompanied to the collection site by a supervisor or manager, and shall be provided transportation home from the collection site. If the individual refuses and demands to drive his/her vehicle, the supervisor or manager shall notify the Department of Public Safety.
  - (iv) Duty pending test results. Until the results of the drug and alcohol test are complete and verified, no employee reasonably suspected of having been under the influence of alcohol or drugs at the time of the accident shall be allowed to perform or continue to perform a safety-sensitive duty.
  - (v) Report. The supervisor ordering post-accident testing shall put in writing, in detail, the facts leading to the decision. This report shall be considered confidential and will be maintained in the employee's medical file, which is confidential, until needed for a disciplinary action. Only at that time will the report be filed in the employee's official personnel folder.
- (4) Random Testing. During each calendar year randomly selected employees performing safety-sensitive functions will be required to submit to breath tests for alcohol and urine tests for cocaine, marijuana, opiates, amphetamines, and phencyclidine. The testing will be done during on-duty time. Except as otherwise provided, the government shall pay for the testing.
- (i) Method of selection. Employees will be selected by a statistically valid method such as a random number table or computer-based random number generator that is matched with employee social security numbers, payroll identification numbers, or other comparable identifying numbers.
  - (ii) Number to be tested. No more than twenty-five percent of all employees performing safety-sensitive functions in each department or agency each year shall be required to submit to breath alcohol testing and no more than fifty percent shall be required to submit to urine testing. The actual percentage will be determined at the beginning of each fiscal year for each department or agency by the Office of Personnel Managements Alcohol and Drug Free Workplace Coordinator, in consultation with the employer and the M.R.O. after reviewing the departments or agency's prior positive testing rates, reasonable suspicion and post accident events, and referrals for service.



(g) Collecting and Testing Breath Specimens

- (1) Collection Site. Breath specimens shall be collected only at a site approved by the Director of Personnel Management or at the scene of an accident if proper equipment and personnel can be made immediately available.
- (2) Collection Protocol. Breath specimens shall be collected only by a B.A.T. trained in the collection of breath specimens at a course approved by the United States Department of Transportation in accordance with standard collection protocols as specified in 49 CFR, Part 40(C) Procedures for Transportation Workplace Drug Testing Programs - Alcohol Testing, except as otherwise provided in this section. However, the M.R.O. or a consulting physician, when requested, may assist in facilitating the collection for post-accident testing.
- (3) Confirming Test. Breath specimens shall first be subjected to a screening test for alcohol. If that test indicates a probable breath alcohol concentration of 0.02 or greater, a second test confirming the first and providing quantitative data of alcohol concentration, shall be performed. No alcohol test shall be considered positive unless both the screening test and the confirming test show a B.A.C. of 0.02 or greater.
- (4) Results. The breath test results shall be transmitted by the B.A.T., in a manner to assure confidentiality, to the employee, to the employee's employer, and to the Director of Personnel Management.
- (5) Confidentiality. Other than as specified above, no person involved in the testing process shall release the results of breath tests to any other individual without a written release from the tested employee.
- (6) Invalid Test. If the Director of Personnel Management determines the test is invalid, using the factors found at 49 CFR, Part 40.79, the test result shall be reported as negative.
- (7) Statistical Reporting. The B.A.T. shall compile statistical data that is not name specific, related to testing results. The B.A.T. shall release the statistical data to the Director of Personnel Management upon request.

(h) Collecting and Testing Urine Specimens

- (1) Collection Site. Urine specimens shall be collected only at a site approved by an appropriate government agency, and identified by the Director of Personnel Management.
- (2) Collection Protocol. Urine specimens shall be collected by persons trained in the collection process developed by the Substance Abuse and Mental Health Service Administration, United States Department of Health and Human Services, in accordance with standard collection protocols as specified in 49 CFR, Part 40(B), Procedures for Transportation Workplace Drug Testing Programs - Drug Testing, except as otherwise provided in this section. However, the M.R.O. or a consulting physician, when requested, may assist in facilitating the collection for post-accident testing.
- (3) Splitting Sample.
  - (i) After collecting a sample of the employee's urine, the sample will be split into two specimens. Both specimens will be shipped to the laboratory selected for performing tests for the government.
  - (ii) One specimen, called the primary specimen, shall be tested for the government. The other specimen, called the secondary specimen, shall be the property of the employee, to be tested only upon request of the employee.
- (4) Confirming Test. Primary urine specimens shall first be subjected to a screening test. Only if the screening test shows positive for the presence of a prohibited drug, will a second test be conducted on the same urine specimen to identify the presence of a specific drug or metabolite, using a gas chromatography/mass spectrometry (GC/MS) test. No drug test shall be considered positive unless both the screening test and the confirming test show the presence of one or more of the drugs tested for.
- (5) Results. The laboratory conducting the urine test shall give the results only to the M.R.O. The M.R.O. shall discuss the test result with the tested individual.
- (6) Invalid Test. If the M.R.O. decides that the test is invalid, the candidate shall immediately submit another urine specimen for testing.
- (7) Employee Test. If the government's test shows positive for the presence of a specific drug or drugs, the employee may request that the M.R.O. have the secondary specimen tested at another laboratory certified by the United States Department of Health and Human Services, for the presence of the drug or drugs found in the primary specimen.
  - (i) The employee must make the request in writing, within 72 hours of receiving notice of the result of the government's test.
  - (ii) The results of the second test shall be given to the M.R.O. who shall discuss the result with the employee.

- (iii) The employee shall pay for the cost of the second test.
  - (8) Alternative Explanations for Positive Test Results.
    - (i) Upon receiving a report of a positive test results the M.R.O. shall determine if there is any alternative medical explanation for the results including the use of prescribed medication by the employee. Such a determination shall be based on information received from the employee such as the tested individuals medical history and records. If the M.R.O. determines it to be necessary he or she may request pertinent analytical records from the laboratory or require a re-analysis of the specimen.
    - (ii) The M.R.O. shall report the urine test result as negative and shall take no further action if he or she determines:
      - (A) There is a legitimate medical explanation for a positive test result, other than the use of the specific drug; or
      - (B) Based on a review of laboratory inspection reports, quality assurance and quality control data, and other drug test results, the positive drug test result is scientifically insufficient for further action.
  - (9) Illegal Use of Opium. If the GC/MS does not confirm the presence of 6-monoacetylmorphine; the M.R.O. shall determine whether there is clinical evidence, in addition to the urine test result, of illegal use of any opium, opiate or opium derivative.
  - (10) Report to Government. The M.R.O. shall report all positive and negative urine drug test results, in a manner to assure confidentiality, to the employee's employer, and to the Director of Personnel Management.
  - (11) M.R.O. and Confidentiality. Other than as specified above, the M.R.O. shall not release the results of drug tests to any other individual without a written release from the tested employee.
  - (12) Statistical Reporting. The M.R.O. shall compile statistical data that is not name specific, related to testing and rehabilitation. The M.R.O. shall release the statistical data to the Director of Personnel Management upon request.
- (i) Employee Awareness and Rehabilitation
    - (1) Employee Awareness Training. All employees shall receive information concerning the effects and consequences of drug and alcohol use on personal health, safety, and the work environment; the manifestations and behavioral clues indicative of drug and alcohol use; and the resources available to the employee in evaluating and resolving problems associated with the use of illegal and legal drugs and alcohol.
    - (2) Employees Seeking Voluntary Assistance. Government employees shall be allowed to voluntarily seek assistance for alcohol or drug use at any time prior to being required to be tested under the reasonable suspicion, post-accident or random testing procedures.
      - (i) Referrals. Employees may request referral to an S.A.P. for treatment, may refer themselves, or may be referred by a supervisor as part of a performance counseling. Such referrals shall only be made a part of the employee's medical file and shall not be a part of the employees official personnel folder. Referrals shall be kept confidential.
      - (ii) Voluntary referrals. Employees who voluntarily seek assistance in dealing with drug and alcohol problems or accept referrals, before job performance is compromised, shall be provided the same leave benefits for recommended treatment as provided for any other health problem.
      - (iii) Accountability for job performance. Regardless of participation in or requests for referrals, employees shall be held accountable for acceptable job performance. In no case where job performance has been compromised will disciplinary action be waived for employees asking for assistance and referral. However, such requests may be considered a mitigating factor in determining the appropriate form of discipline.
    - (3) Job Security Maintained. Employees shall not have job security or promotional opportunities jeopardized solely because of a request for a drug or alcohol treatment referral.
    - (4) Required Documentation. Although voluntary referrals or referrals made prior to testing are kept strictly confidential, documentation of poor performance or disciplinary actions taken due to drug or alcohol abuse shall be included in the employee's official personnel folder.
  - (j) Disseminating Information on Regulations
    - (1) Distribution to Employees. All current employees shall receive a copy of the regulations in this section at least thirty days before the implementation date. New employees hired after the effective date of this policy will be given a copy of the policy in this section at the time of hire. Each employee shall sign a form

prescribed by the Director of Personnel Management which acknowledges the receipt of the policy and the employees understanding that he or she is bound by this policy. This acknowledgment shall be kept in the employee's official personnel folder.

- (2) Posting. The regulations in this section will be posted in all government workplaces for at least sixty days following their implementation.

(k) Record Retention and Reporting Requirements

- (1) Administrative Records. Records relating to the administration of the policy in this section, including policy and program development, employee awareness training, supervisory training, collection site training, program administration, and calibration documentation, shall be kept by the Director of Personnel Management and the M.R.O. for five years.
- (2) Records Relating to Collection Process. Records relating to the breath and urine collection process shall be kept by the Director of Personnel Management, the M.R.O., and the specimen collector at the collection site for two years.
- (3) Refusals, Referrals and Test Results. The Director of Personnel Management shall keep a copy of all records of refusals to be tested, breath and urine test results, and referrals to an S.A.P. in the employees medical file, not the employees official personnel folder, at least until such time as disciplinary action is taken. The M.R.O. shall keep a copy of all urine test results and the B.A.T. shall keep a copy of all breath test results in a manner to assure confidentiality. No test results shall be available for use in a criminal prosecution of the employee without the employees consent.
  - (i) Positive test result records, records of refusals to be tested and referrals to an S.A.P. shall be kept for five years.
  - (ii) Negative test result records shall be kept for a period of one year.
- (4) Report to Federal Contract Agency. To comply with the Drug Free Workplace Act of 1988, 41 U.S.C. 701(a)(1)(E), the Director of Personnel Management shall notify the federal contracting agency of the conviction of any employee for selling, manufacturing or dispensing any illegal drug on government business property or government time, within 10 days of the conviction.

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TEL.NO (670) 322-4363

**ARONG REEL POMWOL ATIWLIGHIL CIVIL SERVICE REEL EXCEPTED SERVICE PERSONNEL**

**MÁNGEMÁNGIL MWÓGHUT YEEL BWE EBWE ADAPTÁALI POMMWOL ATIWLIGH KKal:** Civil Service Commission emwuschel ebwe adáptáli me ebwe alughuw ló atiwlich kka e apasch proposed regulations sangi Administrative Procedure Act, 1 CMC § 9104(a). Atiwlich kkal ebwe bwung ló 10 ráll mwuril e attabwey 1 CMC §§ 9102 me 9104(a) (1 CMC §9105(b) igha e amendá.

**BWÁNGIL:** Eyoor bwangil Civil Service Commission ebwe akkatewow personnel regulations kkal sangi 1 CMC §8117, igha e amendá reel Public Law 17-80.


**KKAPASAL ME AWEWEEL:** Civil Service Commission e debi ebwe adáptáli permanent Excepted Service Personnel Regulations reel ebwe liweli emergency regulations kkewe re file me recorded wóól Enero 29, 2013, nge valid 120 ráll. Re ayooora emergency regulations reel Public Law 17-80, igha e liweli Northern Marianas Island Administrative Code Title 10, Chapter 10-10, Excepted Service Personnel Regulations me Title 120, Chapter 120-10, Excepted Service Personnel Regulations.

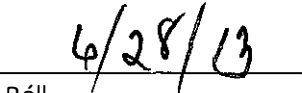
**KKAPASAL ME ÓUTOL:** Atiwlich kkaal ebwe ayooora full range il personnel administration reel government service employees ikka re excepted mereel Commonwealth Civil Service System, sangi 1 CMC §8131(a) igha e amendá mereel Public Law 17-80.


**ISISILONGOL MÁNGEMÁNG:** Civil Service Commission ekki tingor mángemáng reel pomwol atiwlich kkal igha rebwe risibi li mereel Commission lól (30) ráll sangi ráll iye e appasch arong yeel lol Commonwealth Register. Schóó kka remwuschel copy-il pomwol atiwlich kkal rebwe faingi Civil Service Commission reel 322-4363, me email li Secretary Kadianne Sablan reel [kfsablan@gmail.com](mailto:kfsablan@gmail.com), me isalilong ischiil mangemang me ngare afanga ngali Civil Service Commission, Capital Hill House No. 1211, P.O. Box 5150, Saipan, MP 96950.

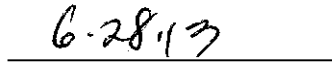
Isáliiyalong:   
**Herman R. DiGuerrero**  
Chairman, Civil Service Commission

  
Ráil


Mwir Sángi:   
**ESTHER S. FLEMING**  
Special Assistant for Administration


  
Ráil

Amwel Sángi:   
**ESTHER M. SAN NICOLAS**  
Commonwealth Register

  
Ráil

Sángi 1 CMC § 2153(e) Allégh kkaal a lléghló sángi AG bwe e fil reel fféerúúl me 1 CMC §9104(a)(3)(mwiir sángi AG)Pomwol atiwligh kkal a appaschlong a takkal amwuri fiischiy, me angúungú ló fféerúúl me legal sufficiency sángi CNMI Attorney General me ebwele akkatewoow, 1 CMC §2153(f) (Arongowowul allégh me atiwligh kkaal).

  
Josey P. San Nicolas  
Attorney General

  
Ráil

## TITLE 10 CIVIL SERVICE COMMISSION

### CHAPTER 10-10 EXCEPTED SERVICE PERSONNEL REGULATIONS

#### Part 001- Milikka Autol

##### §10-10-001 General

(a) Chapter yeel e ayoora atiwilghil rebwe afil, reassign, transfer, promote, demote, me liwelil status reel, me rebwe amweliy lló government employees kka re excepted mereel Commonwealth Civil Service sangi 1 CMC § 813(a). Chapter yeel e ayoora full range reel personnel administration reel service il personnel kka re angaang faal excepted service.

(b) Public Law 17-80, e féér Agosto 31, 2012, e isali ofisinal Personnel Management llól Civil Service Commission, Public Law 17-80 e ngaley bwángil Civil Service Commission ebwe akkatewow atiwilgh reel ebwe amweliy mwóghutughutul personnel, e tolong position kka ese mwel ebwe civil service. 1 CMC §8117(j).Sangi bwáng yeel, Civil Service Commission ebwe akkatew Excepted Service Personnel Regulations, nge ebwe administer mereel Office of Personnel Management faal 1 CMC §8124(b).

##### §10-10-005 Applicability

(a) Atiwilgh kkal llól chapter yeel ebwe ngaliir alongeer employment il personnel llól alongal excepted service positions llól Commonwealth government. Esóór outol llól atiwilgh kkal ebwe aplikka ngali obwossul compensation, benefits, termination me services il elected officials, executive branch department heads, resident department heads, membrol board, commissions me councils, gubernatorial appointments. Atiwilgh kka ese bwal aplikka ngali administrative staff il Judicial me Legislative Branches il government. Agencies llól executive branch nge re exempted sangi atiwilgh kkal ngare bwe agency we e atorisa mereel laay bwe ebwe amweli me regulate li yaal personnel system. Executive branch e toolong resident department , offices, agencies llól First me Second Senatorial Districts, e toolong Ofisinal Mayors me Municipal councils. Atiwilgh kkal nge ese applicable ngali agency me activity kka re atoriza mereel laay rebwe ayoor yaar atiwilghil personnel.

(b) Atiwilgh kkal nge ese bwal ngalir agency me ngare activity kka re atoriza mereel alugh bwe rebwe ayoora yaar personnel rules me regulations, ngare schaagh bwe agency e tipali ebwe atabwey atiwilgh kkal.

(c) Saabw intention il atiwilgh kkal llól chapter yeel ebwe ayoora legally protected property interest llól excepted service employment me ngare employment right me benefit kka ese affat llól atiwilgh kkal me ngare llól employment contract. Alongeer excepted service employment

nge emwal rebwe amweliir lló ngare tipal employee me ngare employer sangi terms il contract me atiwligh kkal.

(d) Schoo kka re bota liir, department heads, e tolong resident department heads, bwal akkaw constitutional, statutory gubernatorial me ngare mayoral appointments, me schóó kka re independent service contracts me bwal akkaw contracts kka e féér sangi procurement system nge rese excepted service employees. Membrol boards me commissions kka re apunta liir nge rese bwal membrol excepted service.

#### §10-10-010 **Bwulul**

Atiwligh kkal lól subchapter yeel e ayoor atiwligh reel afaal reel schóól angaang, óbwóss, employee benefits, me meta kka e affecta li akkaw personnel actions reel excepted service employees. Atiwligh kkal ebwe féér me aplikka ngali tapelal alegh me bwulul.

- (a) Awewey, afata, me modernize li aleghul me mwóghutughutul excepted service employment llól gobetnol Commonwealth.
- (b) Ebwe ayoor me awewey ló aleghul me mwóghutughutul excepted service employment llól depatamento, ofisina, agencies me activities il Commonwealth government.
- (c) Ebwe laap ló yaartoulap apilúghúlúgh llól mwóghutughut kka re atabwey llól excepted service employment.
- (d) Ebwe suguru bwe eyoor welewele reer empliyów llól Excepted Service Personnel System .
- (e) Ebwe yoor safeguard reel maintenance il excepted service personnel system reel ghatchúl me integrity.

#### §10-10-015 **Fáál**

**Bwulul subchapter yeel nge ebwe awewey tapelal kkapas kkal.**

- (a) Dependent(s): Schóólimw, olight, rese schótchólimw me rághiiir e llo faal 21, málesemwaay ese mwál rebwe sóppota liir, inamwo fitow rághiiir, iilal me saamal employee ngare schóólimwal me ngare olight mereel ghomwal schótchólimw, rese schótchólimw me raghiir re llo faal 21, nge employee me ngare schóólimwal eyoor yaal legal custody. Oligháát kka sangi ghommwal schótchólimw re lo llól eew imw saabw llól imwal employee we bwele reel order il court nge rese kkonsidera liir bwe dependents.
- (b) Employee: igha re awewey llól subchapter yeel, eschay excepted service employee
- (c) Employer: eschay executive branch official iye eyoor bwangil ebwe hire:eschay hiring official
- (d) Excepted Service Contract: Employment contract iye lefiter employee me employer reel term esóóbw lu sangi ruwoow rágh, ngare schaagh bwe eyoor funds, budgeted FTE's me akkaw statutory limitations.

- (e) Excepted Service Employee: Eschay contracted employee iye e akkamasch position iye e exempted sangi Civil Service System, sangi aleghúl Commonwealth.
- (f) Excepted Service Employment: Angaang iye e contract li eew position iye e exempted mereel Civil Service System, sangi alléghul Commonwealth.
- (g) FTE: Full Time employee.
- (h) Willful Abandonment: Ngare eschay excepted service employee ese to tarabwagho nge esóór yaal leave llól úghúghúl seigh ráll me esóór rasoon llól seigh me ruwoow maram tempo.
- (i) Termination for Cause: Rebwe ayúgh ló me tarabwagho mwal ebwe mwutch contract reel rasoon kkal:
  - (1) Usse féerú yóómw tarabwagho
  - (2) Willful misconduct
  - (3) U mwet sangi yóómw angaang
  - (4) Ughi ssow atay allughúl, llól subchapter yeel me ngare department me agency.
  - (5) Ese bwaang ngalugh ubwe plóóno, amweli me evaluate employees me unit performance llól timely effective manner.
  - (6) Re arresta luugh reel felony me bwal akkaw crime kka eghi ngaw.
  - (7) Akkaw awewe kka ebwe angawa pomwol yaal angaang, me ngare angaawa department me ngare agency ngare e kke angaang schagh.

## **Part 100- Staffing me Administration**

### **§10-10-101 Mwóghutughutul ghutal me afilil schóól angaang**

- (a) Employer iye ebwe umwum schól angaang ebwe ayoor a tingor reel personnel action (RFPA) reel recruitment. Ngare re apreba bwe eyoor fundo mereel Department of Finance me eyoor FTE mereel Office of Management and Budget, Director il Personnel ebwe atoriza li vacancy announcement reel rebwe ghut eschay iye a qualified me suitable. Terms il position nge ebwe atabwey position description. Mwóghutughutul ghutal me afilil schóól angaang nge rebwe atabwey mwóghutughut kka re ayoor a mereel Director il Personnel.
- (b) Eew existing positon ebwe vacant ngare a mwutch contract. Arongowowul positon yeel nge llól oleigh ráál mwal ebwe mwutch contract ngare bwe resabw renew li schóól angaang we.
- (c) Esóór requirement reel employer yaal esabw renew li eschay excepted service employment. Ngare employer we emwuschel ebwe renew li employment contract il eschay excepted service employee, employer we ebwe tingor ngali Director of Personnel ebwe waive li arong reel position we, ngare schagh bwe schóól angaange we nge non-resident employee me arong we nge e required mereel Nonresident Workers Act, igh e amenda.
- (d) Position kka e féé me ngare esóór iyo e amwuschi nge rebwe arongawow, ngare bwe e nesesariyo reel provisions il essential services, nge ebwe justified mereel employer me concurrence mereel Sow Lemelem, Director of Personnel ebwe waive li requirement reel vacancy announcement reel afilil eschay candidate reel positions kka e lo lól excepted service. Mwal ebwe waive vacancy announcement, Director of Personnel ebwe ayoor a certification bwe



eyoor fundo mereel Secretary of Finance me ngare eyoorl FTE mereel Office of Mangement and Budget reel position we. Waivers kkal nge ese mwal reel non-resident workers, sangi Nonresident Workers Act, igha e amenda.

- (e) Deputy secretaries, special assistants me executive secretaries ngaliir heads il principle executive branch departments, ungraded directors il offices me agencies, me specials assistants me executive secretaries ngaliir heads il commissions, boards, councils, government corporations me autonomous agencies nge angaang kka ese bwal yoor aroong. Unannouced employees kkal nge debi rebwe meet li alongal minimum qualifications kka re rekkomendali mereel hiring authority me re apreba li mereel Director of Personnel , ngare bwe re ayoora reel statute me regulations.
- (f) Employer ebwe isisilong tingor reel personnel action ngare a takkal afil. Candidate iye re afeli nge esemwel ebwe angaang ótul schaagh bwe yaal action me contract ra abreba li, negative report re resibi reel pre-employment drug test, alongal requirement a takk nge Director of Personnel a féerú payroll certification bwe employee we a tarabwagho nge e attabwey alongal statues me regulations.

#### **§10-10-102 “Special me Unique” Excepted Service Positions**

**(a) “Special me Unique” Excepted Service positions, atorisa sáangi Public Law 18-05 me e iischi lol ! CMC §8131(a)(13) position kkaa Appointing Authority e certify li me bwungúló mereel Direkktoodil Personnel bwe setbisiyo kka rebwe pomwoli nge eghi special me unique ngali interes il toulap bwele reel laapal ghuleyer me yaar angaang rebwe apreba. Exemptions kkaal sangi Civil Service nge ebwe ngali position kkaa.**

**(1) Ese lista tiw me apreba llól yaal Civil Service Master List reel Classified Positions.**

**(2) Eghi weires me ngare esoor reel local recruitment; me**

**(3) E nesisitay bachelor’s degree level-il gakko ngare ebwe langaló; nesisitay highly technical skills Ese bwal nesesariyo ebwe bwughi sangi gakko iye e langaló ; me ngare ebwe U.S. ngare CNMI licensure, ngare certification.**

**(b) Direkktoodil Personnel I mille ebwe ditetminali eew position excepted service status faal exemption kkaal nge ebwe bwal kksiderali interes il toulap.**

#### **§10-10-105 Nepotism**

Ese bwal yoor aighúghúl fitimal membrol lól eew iimw rebwe angaang faal excepted service appointments, ngare bwe:

(a) Esóór memebrol eew iimw ebwe supervise li eschay bwal schóól llól iimwal.

(b) alongal qualifications il angaang eyoor.

(c) Essabw yoor gósto ngali government reel igha re hire li eschay aramas iye re lolo llól eew iimw bwe abwóssul schaagh me employment benefits iye e ayoora mereel regulations.

#### **§10-10-110 Effective Dates**

- (a) Bweletal ralil angaang: Angaang ebwe bwel reer alongeer excepted service employee, inamwo ngare re lo lughul me ngare llól Commonwealth igha re hire liir, nge ebwe effective wól ralil iye re tolong tarabwagho. Expatriation travel time lughil employment period nge esabw óbwóss.
- (b) Mwutchulól Contract: Mwutchulól term il employment nge wól otimwol rálil term il employment contract.
- (c) Early termination. Ngare mwo bwe eyoor me esoor bwulul nge emwel rebwe aiyugh lló me angaange, nge ebwe effective wool ralil la e ischitiw llól kkatal termination. Repatriation travel time lughil employment period nge esabw obwoss.

#### **§10-10-115 Leli me Pomwol Angaang**

- (a) Leliyal angaang nge Seipel, Luuta, Tchuliyol me Faluw kka Éfang ,me ngare iya igha re afeli.
- (b) Llól employment contract nge e afata iya igha employee we ebwe angaang iye me tapelal angaang ebwe féérú. Ngare employees emwuschel emwel rebwe bwal ngaley eew bwal angaang iye e wewe ngali me bwal eew duty station, igha re nesisitay reel government.
- (c) Ngare ebwe yoor transfer of employment ngali eew faluw nge a permanent nge ebwe lú sangi oloow maram, employee ebwe entitle ngali transportation reel ii me yaal schóó. Ngare ebwe yoor akkafangal pisegh, esabw lu sangi 1,500 pounds reel single status employee me 3,000 pounds reel employee with dependents. Benefit yel nge ngare re schaagh bwe transfer nge e féér mereel government.
- (d) Temporary assignment ngali eew duty station nge esabw lu sangi seigh ráll ebwe tetel ló schaagh nge ese bwal nisisitay employee approval ngare bwe reghi nesisitay mereel government.

#### **§10-10-120 Óbwóss me Rálil Angaang**

- (a) Óbwóss nge ebwe subject ngali budget appropriation me terms ebwe llól gross amount ebwe obwoss llól seigh me ruwoow maram annual period, me ruweigh me oloow bi-weekly pay period.
- (b) Ora kka rebwe obwossu nge ora kka re angaanga, overtime reer schóó kka emwal rebwe overtime, legal holidays, annual, sick, administrative me bwal akkaw leave kka re apreba li me e affat. Absence without leave (AWOL) me leave without pay (LWOP) nge ese bwal obwoss. E lo ngali timekeeping me administrative action.
- (c) Oral angaang nge Luunis ngali Bennis sangi 7:30 ngeli 4:30 p.m. Ralil me oral angaang reel employee we nge emwel esabw wewe ngali standard workweek wóll permanent basis nge emwal ebwe ghal bwal liwel fetal bwele ngare re nesisitay reel government. Rebwe aschoscho ngali bwe ralil angaang nge ebwe limirál, faaigh-hour work schedule, nge schedule emwal ebwe liwel bwele reel overtime reer schoo kka emwal rebwe overtime, extra hours reer overtime-exempt employees, shift kka e liwel fetal me broken periods of duty, igha rebwe nesisitay mereel government.

- (d) Alonger employees nge re lo faal Federal Fair Labor Standards Act (FLSA), Faal FLSA , Commonwealth nge rebwal kkonsidera li bwe single employeer. Ese mwal employees rebwe waive li yaar rights faal FLSA. Director il Personnel ebwe designate li eschay employee ngare e eligible overtime, me ngare over-time exempt reel yaal angaang me sangi federal FLSA. Executive, administrative professional employees nge re exempt sangi, me resabw obwossur overtime. Terms kkal nge re awewey llól federal Fair Labor Standards Act. Yaal employee overtime eligibility status nge e affat llól excepted service contracts.
- (e) Overtime ngalir schoo kka re eligible nge rebwe apreba li sangi alléghul mwoghutughut iye re ayoora mereel department me ngare activity. Employer ebwe ayoora policy iye ebwe address li administrative actions reel overtime kka ese apreba. Prohibitions il overtime kka ese atoriza nge ese bwal relieve li employer reel ebwe obwossu overtime iye ra angaanga. Overtime me ora kka a lu sangi 40 hours durantil standard work week (40 hours llól fisuuw ralil angaang). Emwal employer ebwe apply different work periods ngaliir health care employees, different work periods me overtime thresholds ngaliir law enforcement me fire employees, igha emumuta mereel federal laws. Méél overtime nge 1.5 times regular rate il óbwoos, igha e awewe llól Fair Labor Standards Act.
- (f) Compensatory time-off nge emmwal rebwe yááya bwe ebwe liweli obwoss reel salapi ngaliir overtime-eligible employees nge ebwe lo faal lemelemil employer. Reel cases kkal nge rate ebwe one and one half hours of compensatory time-off reel eew ora reel overtime iye ra angaanga. Igha employee e acceptali excepted service employment a angúngú bwe ebwe resibi compensatory time-off reel ebwe liweli obwossul overtime. Employer emwal ebwe angaliy employee bwe ebwe yááya' yall compensatory time-off kka a yoor, mwal ebwe isali nge a accumulate ngare rebwe obwossu overtime. Apasa sefali, employer emwal ebwe schedule li compensatory time-off reel employee. Ese bwal pilipil eschay employee ebwe bwal schedule li yaal time off igha e tipeli, ngare schaagh bwe ese afitighoghoy government operations.
- (g) Director il Personnel emwel ebwe apreba li compensatory time me extra payment sangi rekkomendation il employer ngali eschay exempt employee reel exceptional situations Tapal situations kkal nge rebwe kkonsidera li exception, saabw allúgh, nge ebwe ngali meta re dekklaro bwe emergencies me extraordinary work requirement. Llól cases kkal nge compensatory time-off me extra payment nge ebwe one-to-one base regular base pay basis.

## Peigh 200 Employee benefits

### §10-10-201 Expatriation me Repatriation

Expatriation me repatriation benefits nge re ayoora ngalir excepted service employees kka re hire liir lughul Commonwealth me ngare schoo kka re excepted service employees kka re hire liir lol Commonwealth nge re transfer liir lo reel eew angaang lughul Commonwealth. Esoobw yoor duplication il benefits ngaliir ruschay schotcholim inamwo iya igha re angaang iye. Government esabw ayoora insurance coverage lol outol expatriation me repatriation travel me liability reel feyengaw me feeril me malingul pisegh.

- (a) **Expatriation.** Travel me transportation nge ebwe obwoss mereel employeer:
- (1) Coach me ngare tourist class air transportation reel employee me yaal dependent sangi igha re hire li ito CNMI.

- (2) Esóór óbwoss durantil travel
- (3) Ngare eyoor tingor mereel employer me re apreba li sangi Director il Personnel, akkafangal pisegh nge ebwe ngali positions kka a mapput rebwe fill li. Atoriza yeel nge ebwe ngali schaagh
- (i) employer ebwe óbwossu mwéél eew sea shipment il pisegh nge esabw luu sangi 3,000 pounds net weight reel employee me yaal dependents, 1,500 pounds reel employee iye esoor yaal dependent sangi employer point of recruitment ngali iya igha ebwe angaang iye.
  - (ii) employer ese responsabilidót reel méél piseghil employee kka e affanga iye e luu sangi benefit iye re atorisa li.
  - (iii) akkafangal pisegh ebwe llól oloow maram wool railil iye e bwel le angaang, ngare schaag bwe re extendi reel Director of Personnel bwe eyoor bwulul.
  - (iv) Pisegh kka ese allúgh me llól Commonwealth me Federal laws nge emwal rebwe afanga. E toolong piseghil llól iimw reel furniture, equipment, appliances, mwungógh me bwal akkaw personal belongings, Ese toolong gharetta, bwoot, motorcycles, me bwal akkaw vehicle me trailer, me bwal maal. Ese bwal toolong faluw iye rebw améw ló dispose li iye re yaya reel fééru business me akkaw commercial enterprise, me bwal akkaw awewe reel schaagh yayal reel employee me yaal schóó.
  - (v) Reghal tingor ngali employee ebwe bwusil amela piseghil me afanga reel United States Postal Service (USPS) first class mail. Ngare re afeli tapal akkafang yeel esabw yoor akkafangal saat ebwe atorisa. Alongal aighughul me aleghul akkafangal saat nge rebwe attabwey. Employee ebwe ayoor resibwol USPS nge ebwe abwari tchówul me mwéél eew package reel reimbursement.
  - (vi) employer ebwe obwossu sefali nge ebwe ghulata \$300.00 reel air shipment (USPS) bwal pisegh ngare eyoor dependent, me \$150.00 ngare esoor dependent ngare e isalilong resibwo. Ngare employee e bwusil pack me afanga reel USPS, mwél yeel nge ebwe bwal apasch ngali 3000 me ngare 1500 pound limit.
  - (vii) Employeer ese responsabilidót reel mwéél insurance me ngare feiril pisegh me ngare e malingu ló durantil igha re afanga reel sea me ngare USPS.
- (b) Repatriation. Ngare a mwutch period il service faal contract yel me bwal akkaw excepted service contract, government ebwe abwossu benefits kka e affat llól subsection (a) me conditions kka:
- (1) employer ebwe ayoor one-way coach-class ticket ngali point of recruitment ngali employee me authorized dependent. Emwal employees rebwe bwughi yaar return ticket reel cash reel economy fare iye eghi sósól ngali yaar point of hire, ngare bwe ticketing il employee e required mereel laay. Ticketing benefit nge rebwe ayoor ngali employee ngare a úló le angaang llól government.
  - (2) Ngare a yoor layul employee a 21 raghil, dependent yel e eligible reel repatriation ngali point of recruitment ngare e tingor. Essobw yoor repatriation benefits ngare employee ese yááya llól eew raagh igha atewe ebwe ghula 21 raghil.
  - (3) Esoor abwoss durantil travel
  - (4) Akkafangal pisegh me personal effects nge ebwe subject ngali condition il subsection (a)(3), me ebwe aighugh ngali fitow tchowul pisegh igha re afanga ighiwe re recruit li. Employer ese responsabilidót reel repatriation il pisegh ngare benefits rese yááya llól eew raagh sangi raalil termination.

- (c) Check-out. Mwal ebwe isisiwow repatriation benefits me otimwol paycheck, employee ebwe atakka lo check-out procedures kka re ayoora reel Office of Personnel Management.
- (d) Carry Over of Benefits. Emwel eschay employee iye eyoor yaal contractual repatriation benefits, emwal ebwe carry over benefits kkal ngare r angaang llól executive branch me ngare bwal eew angaang llól Commonwealth government me ebwe risibi li ngare a mwutch yaal angaang ngali Commonwealth government. Ese mwel ebwe yoor duplication il benefits inamwo fitow contracts.
- (e) Early Termination of Contract. Early termination ngare employee we a amwel ló me abandon li yaal position, me ngare re amweli ló mwal ebwe mwutch yaal contract.
  - (1) Ngare employee e terminate li yaal contract lol aeewal raagh
    - (i) Employer esabw liable reel repatriation
    - (ii) Employee ebwe obwossu sefali employer reel alongal gusto reel expatriation benefits, kka e affat lol section yel me bwal akkaw obwoss kka e related ngali igha re recruit li.
    - (iii) Employer emwal ebwe rekkomenda ngali Director of Personnel ebwe waive li(e)(1)(i) me ngare (e)(1)(iii) nge a ayoora repatriation benefits e toolong bwal akkafangal pisegh me airfare ngali point of recruitment reel compassionate basis.
  - (2) Employee iye a ruwoow-ráágh yaal contract nge e atakka schaagh eew ráágh, employer ese liable reel obwossul repatriation.
- (f) Angaang Sefal: employee iye a úló sangi angaangal government nge e yááyá contractual repatriation benefits nge esabw eligible lo reel expatriation me repatriation benefits ngare ebwe angaang sefal llól Commonwealth government llól oloow maram mwuril ralil we e úló.

**§10-10-205 Housing**

- (a) Housing benefits ebwe ngalir schagh excepted service employee kka yaar point of recruitment nge lughul Commonwealth of the Northern Mariana Islands, me excepted service employees kka re hire liir lól Commonwealth nge re amwetar ló ngali eew angaang lughul Commonwealth. Excepted service employee iye re umwo me lughul Commonwealth nge ebwe bwughi housing me ngare housing allowance ngare e tipeli. Nge esabw ii me ruwoow simultaneously. Ngare employee e afeli housing ebwe revocable license nge esabw tenancy me ngare leasehold. Housing allowance esabw luu sangi \$600.00 eew maram ngali eschay employee iye esóór dependent me \$800.00 eew maram reel employee iye eyoor dependent.
- (b) Ngare esal yoor mwo government me private housing, employer ebwe abwossu temporary lodging allowance ngali employee nge esabw luu sangi government established per diem rate reel travel ngali leliyal yaal angaang, lol tempo esabw luu sangi eliigh raal. Ngare Director il Personnel e detitmina li bwe ese ghaw tempo reel rebwe toolong lol permanent housing, emwal ebwe atoriza li reel ebwe bwal ghus lalay ló.
- (c) Government housing nge ngali schagh employee me yaal dependents, Ese mwal akkaschey aramas kke sabw dependents rebwe lo lol government housing luu sangi eligh raal, ngare schagh bwe re apreba li mereel Director il Personnel lól iisch.

- (d) Esemwal employee iye yaal contract a terminated me ngare e mwutch emwal ebwe lotiw lól iimwal government luu sangi seigh me faawu raal mwuril termination me ngare expiration, ngare schagh employee e tingor nge re apreba li mereel Director il Personnel.
- (e) Responsibilidot e lo reel employee reel méél dengkki me bwasula.
- (f) Responsibilidót e lo reel employee we bwe ebwe asefali alongl government furniture/appliances igha a terminate yaal employment contract, ebwal wewe schagh igha mwal ebwe toolong lol iimwal government ebwe expecta li ordinary wear and tear. Igha a terminate contract, mwal ebwe towow me lól lughót we, employer me ngare iyo e afali rebwe inspect li lughat we. Ngare e nesesitya ebwe aghasaghasa me repaya bwele reel mwoghutughutul employee we imwo alongal gosto reel mwóghutughut kkaal nge ebwe lo reel employee.
- (g) Responsibilidód il employee bwe ebwe affáli ghatchiw iimw reel typhoon. Ngare employee e afeli housing e assume risk reel esabw yoor warranty il habitability me quiet enjoyment.
- (h) Housing allowance me ngare housing benefits reer employees kkaa re umwur lughul Commonwealth nge ebwe effective nge esabw luu sangi limwoow ráágh.
- (i) Housing benefit nge esabw duplicated inawmo ngare iir me ruschay schótchóliimw re angaang lol government inawmo iya entity.
- (j) Employee ebwe atabwey alongal aléghul housing sangi Office of Personnel Mangement.

**§10-10-210 Annual Leave**

- (a) Yááyal annual me ngare vacation leave nge reel asésé me relaxation. Except igha e ayoora lol section yeel, employees kka ese laap sangi eluw ráághil yaar angaang nge rebwe ghal bwughi faawu ora annual leave lól eew pay period, employee iye e eluw raaghil yaal angaang nge ese laap sangi oloow raagh nge ebwe bwughi oloow ora annual leave lol eew pay period. Employee iye oloow ngare laap sangi ebwe bwughi waluw ora annual leave lól eew pay period.
- (b) Activity heads, division directors, deputy secretaries, executive secretaries, special assistants ngali Governor, Lieutenant Governor, me department heads, medical doctors, practicing attorneys me executive directors il principal boards, me commission rebwe bwughi waluw ora annual leave lól eew pay period.
- (c) Accrual rate reel annual leave lol eew pay period ngalir health care professionals, engineers me akkaschey professionally qualified excepted service employees kka eyoor yaar advanced degrees, me exceptional skills, experience nge ebwe waluw ora, me
  - (1)Based, specifi reel eschay employee , igha
    - (i) e critical position iye rebwe fill li
    - (ii) availability reer qualified applicants, me
    - (iii)laapal me ghatchul yaal related education, training me experience reel employee.

(2) employee iye e ghulal bweleta reel angaang lol aeewal yaal contract nge ese mwal ebwe yaya annual leave durantil first seigh me tiwoogh ralil yaal bweleta le angaang. Annual leave iye employee we e earned li nge ebwe credited ngali ngare a takka la initial period yeel. Ese bwal pilipil ngali employees kka re angaang on a immediately subsequent contract.

- (d) Excepted service employees nge rebwe accrue annual leave reel rate iye e affat lol yaar employment contract. Ngare employee e bwughi leave without pay (LWOP) me ngare absence without leave (AWOL) status nge esoor leave ebwe accrue lol pay period lal.
- (e) Annual leave nge rebwe ghommwal apreba li mereel employer reel iisch nge ebwe scheduled based wóol yaal needs employer. Tingoreel annual leave nge ebwe advanced; ngare re schagh bwe bona fide emergencies, wóol leave iye re ayoora mereel Office of Personnel Management. Alongal annual leave nge rebwe apreba mereel immediate supervisor me division director. Reel organizations kka e ghikkit nge esóor divisions, head il organization nge emwal ebwe apreba li annual leave.
- (f) Employees kka re lo wóol government boards me commissions nge remwuschel rebwe bwughi leave without pay durantil yaar féerú yaar angaang reel board of commission nge rebwe accrue annual leave durantil yaar agaang.
- (g) Emwal rebwe yaya annual leave durantil contract period. Except igha e provided lol subsection (h), (j), me (k) faal. Annual leave kka rese yaya nge ebwe liwel ngali sick leave mwutchu l;ol employment term. Esoor cash payment reel annual leave kka rese yaya, except igha re ayora lol subsection (j) me (k)faal.
- (h) Ngare eyoor employment contract e féé, me ngare eschay excepted service employe e acceptali bwe ebwe liwel ngali civil service status, leave credits kka ese yaya me e accrue li durantil yaal angaang we e ghom, esabw luu sangi 160 hours, ebwe kkaragha ngali yaal new employment contract, me yaal status ngare bwe e convert ngali civil service status. Reel aighugh kkal reel leave, reel rebwe atabwey 160 hour limit, reel igha aghi critical nature me reghi nesesity reel services mereel Commonwealth government, emwal employer ebwe mwut ngali , nge ebwe apreba mereel Director il Personnel , bwe employee we emwal ebwe accrue li 240 hours il annual lveave me bwughi annual leave kkal ngali bwal eew employment period. Alongal annual leave kka a luu sangi limit kka e affat weilang me rese yaya nge ebwe liwel ngali sick leave.
- (i) Employees kka re liwel sangi civil service ngali excepted service status nge re atoriza rebwe carry over yaar leave nge esabw luu sangi 160 hours. Ora kka e luu sangi nge ebwe liwel ngali sick leave ngare ese yaya mwal ebwe convert.
- (j) Director il Personnel, ngare re rekkomendáli mereel employer me e bwung mereel Governor , rebwe apreba li lump-sum cash payment reel 160 hours il unused annual leave ngare schagh bwe involuntary sepration bwele reel rason reel bona fide personal emergency iye ese bwang ngali employee.

#### **§10-10-215 Sick Leave**

Sick Leave nge ebwe accrue reel employee reel rate iye fawuu ora lol pay period, ngare bwe employee we afasúl lo lol pay status iye e required mereel excepted service employment contract. Ngare

employee e bwughi leave without pay (LWOP) ne ngare absence without leave (AWOL) status, esabw yoor leave accrual lól pay period lal. Government employees kka re lo wóól government boards me commissions kka re mwuschel rebwe bwughi leave without pay (LWOP) durantil igha rekke pomwoli yaar angaagn nge rebwe accrue leave reel setbizio iye re féérú.

- (a) Employee emwal ebwe yaya yaal accrued sick leave sangi igha a accrue li sick leave.
- (b) Employee iye ese angaang lól eluww ráll e tetel ló bwe e sumay nge ebwe ayora doctor's slip mereel dokkto ngare ebwe claim li sick leave.
- (c) Employee ese mwal ebwe bwughi abwoss reel accrued me sick leave kka ese yááya ngare a takk yaal employment contract me a terminate.
- (d) Ngare eyoor employment contract e féé, alongal accrued me unused sick leave ebwe transfer ngali contract iye e féé, ngare bwe employee e saangi sengi government service nge e laap sangi eluww raagh, employee ebwe divested reel accumulated sick elave.
- (e) Ngare employeer e lughuw bwe eschay employee ese yaya ghatchuw yaal sick leave, me ekke tingor yayal sick leave reel eew wewe sabw bweigha e sumay, employer emwal ebwe tingor proof of illness mereel health care professional iteital ubwe summay. Ngare esoor certification, me e unpersuasive, supervisor emwal esabw apreba li tingorel sick leave.
- (f) Sick leave nge esoor aighúghúl reel ubwe accumulate li
- (g) Excepted service employees re eligible reel sick leave bank program sangi alégh kka re adaptali wool Ottuubre 16, 1997 me appasch lól Commonwealth Register , Vol. 19, No. 11 wóól Nobembre 15, 1997, reel pages 15748-15757. (Ameri NMIAC title 10, chapter 50).

#### **§10-10-220 Leave Without Pay**

Leave without pay lól 90 ráll me ngare eghus emwal rebwe bwughi mwuril department director e iisch bwe e apreba li.

#### **§10-10-225 Administrative Leave with Pay**

Governor ebwe grant li administrative leave reel public purpose schaagh. Employer emwal ebwe ngaley administrative leave ngali eschay employee, iye a lo wóól government boards, councils, me commissions ngare bwe employee ese risibi óbwóss sangi board, council me commission, me ngare reel angaang, lol period iye esabw luu sangi seigh ráll per annum.

#### **§10-10-230 Holidays**

Employee esabw tarabwagho wóól alongal legal holidays, ngare schaagh bwe eyoor emergencies, nge esabw malingu reel obwoss me resabw charge li yaal leave account.

#### **§10-10-235 Advance Leave**

Reel rasoon iye eghi ghatch, emwal eschay employee ebwe tingor advance annual me sick leave, Director il Personnel emwal ebwe ngaley leave nge lapal nge ebwe esóóbw reel alongal leave credits kka



eyoor yaal lol eew ragh sangi ralil we tingor we re apreba li me ngare lusul employment contract/appointment, ifa me leyir e mwoschomwosch. Leave earnings kka mwuril nge ebwe obwossu sefali advance leave kkewe ra yali. Ngare eschay employee a mwel ló sangi yaal angaang, iwe annual me sick leave kka e overdraft nge ebwe obwossu sefali ngare peighil final clearance.

#### **§10-10-240 Court Leave**

Government e encourage liir employees reel rebwe féerú obligation ir igha aramasal me residential Commonwealth me federal government. Ngare eschay employee re afili ebwe jurors me schóól abwarita, emwal ngare re mwuschel rebwe ngaler court leave lol tempo iye required mereel kkoti. Employees kka re faingiir rebwe jury duty me ngare witness nge rebwe ngaley yaar summons ngali yaar immediate supervisor me pappit il leave reel ebwe fitma li me processing. Employees kka re yaya court leave igha rese angaang nge rebwe ngaley Commonwealth Treasury yaar jury me ngare witness fees(ese wewe ngali expense allowance igh re resibi li mereel kkooti ngare summoning pary. Expense allowance nge e obwossu ngali employee reel meta ghóstol iye e yoor ngali.

#### **§10-10-245 compassionate Leave**

Full-time excepted service employees emwal rebwe bwughi compassionate leave nge esabw luu sangi limwoow ralil angaang, ese bwal nesarario bwe ebwe tettel ló schaagh. Reel maa, reel immediate family reel employee, nge reel aweve yeel nge faal term immediate family nge e toolong, iil, saam, bwiim mwáál, schóóbwtut, schóólimwómw, loumw(naturód me ngare mweymwey, reel( kko me ngare legal), ateye e máá igha re layli, tóttóm biyo, me nónom biya, layul loumw, ilal schóólimom, samal schoolimwóm. Compassionate leave nge rebwe bwughi lol seigh me waluuw raal mwuril malól eschay me lol familia.

#### **§10-10-250 Miscarriage leave**

Miscarriage leave nge rebwe ngaley eschay excepted service employee is ese ito tarabwagho bwe e peres ló me ngare subsequent convalescence. Leave yeel nge esabw luu sangi limwoow ralil angaang, me bwal ngali akkaw accumulated sick leave. Eschay employee iye emwuschel ebwe claim li miscarriage leave nge ebwe bweibwogh note mereel dokkto reel ebwe claim miscarriage leave. Leave kka mwuril limwoow ralil angaang nge rebwe charge li ngali yaal accumulated sick leave.

#### **§10-10-255 Pregnancy Disability Leave**

Pregnancy leave nge ebwe ngali excepted service employee iye ese angaang bwe ebwe lailay me subsequent convalescence. Pregnancy disability leave nge esabw luu sangi seigh me eluuw ralil angaang me ebwe schuu ngali maternity leave me ngare accumulated sick leave, me ebwe lol seigh me eluuw ralil angaang me abwal toolong schaagh ralil igha e lailay. Additional leave reel lailay nge ebwe charge ngali accumulated sick leave. Pregnancy disability leave nge ngalir eschay excepted service employee iya e lailay nge e máá layul.

#### **§10-10-260 Maternity me Paternity Leave**

Maternity me paternity nge ebwe ngali eschay excepted service employee iye ese angaang bwe employee we(maternity Leave) me ngare schólimwal employee(paternity Leave) ebwe lailay. Maternity me Paternity leave nge esabw luu sangi ruwoow raliil angaang me rebwe yaya lól eew schagh sumóla sangi raliil yaal lailay. Paternity Leave nge ngare schaagh bwe e legal marriage.

#### **§10-10-265 Military Leave**

Military leave me obwoss nge ebwe ngalir excepted service employees reel eew period nge esabw luu sangi seigh me limwoow raliil angaang lol eew calendare year, inamwo igha fitoow training periods lol ráágh we.

#### **§10-10-270 Extended Military Leave**

Extended Military Leave ngallir excepted service employees sangi federal Uniformed Services Employment and Reemployment Act (USERRA)

#### **§10-10-275 FMLA Leave**

Leave faal federal Family and Medical Leave Act lól 1993 (FMLA) ngaliir excepted service employees igha re ayoora lól FMLA.

#### **§10-10-280 Part-time Accrual**

Part-time me intermittent employees kka re regular scheduled tours of duty nge faaigh me ese laap sangi waaligh ora lol biweekly period nge rebwe accrue annual me sick leave reel pro-rated amount il full time benefit, rounded ngali nearest quarter hour per pay period, me ebwe eligible reel akkaw leaves kka ebwe obwoss, reel part me rate yeel. Part-time me intermittent employees re regular scheduled tours of duty nge ese laap sangi faaigh oras lol biweekly pay period nge resabw accrue annual me sick leave me ngare eligible reel akkaw leaves kka ebwe obwoss. Ngare eschay part-time me ngare intermittent employee ebwughi leave without pay (LWOP) me e fatta without leave (AWOL) status reel yaal scheduled duty period nge esabw yoor leave ebwe accrue li lol pay period ial.

#### **§10-10-285 Transfer Ilól schagh Executive Branch**

Ngare eschay excepted service employee e amwet ngali bwal eew excepted service position lol executive branch, employer iye e féé ebwe le responsabilidot reel alongal liability reel obwossul me transfer il alongal contractual benefits kka eyoor. Transfer ngali eew position iye e wewe lol executive branch nge esoor liwel reel obwoss nge emwal ebwe affectali mereel employer inamwo eyoor ngare esoor permission mereel employees.

#### **§10-10-290 Transfer ngali eew Government Entity**

Ngare eschay excepted service employee e transfer ngali bwal eew government entity, ebwe lo reel entitiy we reel alongal liability reel abwossul reel transfer me alongal benefits lol contract kka ebwe bwughi. Ebwal wewe schaagh reel executive branch ngare ebwal eyoor transfer reel eschay employee ebwe bwal lo reel alongal liability reel obwossul alongal benefits lol contract.

#### **Part 300- Employee Conduct me Obligations**

### **§10-10-301 Mediation Procedure**

Excepted service employees emwal rebwe ghuta ebwe faisul yaar rebwe resolve li yaar conflict me disputes reel mediation procedures iye re ayoor mereel Office Of Personnel Management me bwal akkaw tapelal resources kka e yoor.

### **§10-10-305 Termination of Services to the Government**

- (a) Government emwal ebwe ayuw lo eschay employee ngare mo esoor bwulul ngare ra ngaley yaal written notice oleigh raal mwal ralil termination il employment. Emwal ebwe mwoschomwosch ngare re affata lol employment contract bwe ebwe mwoschomwosch tempol arong. Arong yeel ebwe affata ralil termination me rebwe bwusil bwughi lo me ngaley aramas we, me ngare reel certified mail ngare rese mwel rebwe schuungi me bwusil ngaley.
- (b) government emwel ebwe terminate li eschay employee ngare eyoor bwulul ngare bwe re iischiy ngali reel arong lol fisuuw raal mwal termination reel angaang.
- (c) Ngare ubwe úló sangi angaang, ebwe yoor mwal arong lol oleigh raal. Ngare ebwe lol ghatchúl government, emwal ebwe moschomosch ngare lalaay lo ngare employer e iischitiw me affata lol yaal contract period of advance written notice. Employer emwal ebwe waive li advance written-notice requirement lol tempo we ebwe le úló.

### **§10-10-310 Non-discrimination Policy**

- (a) Policy il Commonwealth government bwe discrimination, reel me ngali eschay employee, bwele reel yaal race, creed, kulod, me gender (e toolong sexual harassment), sexual orientation, raaghil, religion, political affiliation, organizational membership, veteran status, disability, me genetics information nge e prohibit me esabw tolerated.
- (b) Alongal agencies nge ebwe free sangi unlawful harassment, e tolong sexual harassment. Eschay employee me ngare offisiód e fééru mwóghutughutul discrimination me harassment reel awewe kka weiling nge ekke violate li aleghul government, mwoghutughut kkal nge ebwe subject ngali corrective action reel counseling ngali disciplinary action me ngare termination. Harassment mereel non-employee(awewe, client ngare contractor) nge ebwal allugh. Employers ebwe ghi afeli bwe tapal harassment kka me lughul nge esabw ffis sefal.
- (c) Employee iye e mafi bwe e discriminated reel awewe kka weilang me ngare sexually harassed, ebwe akkaya le repoda ngali eschay supervisor nge esabw misagh reel meta rebwe fééru ngali. Llól cases reel sexual harassment, rebwe attabwey mwoghutughut sangi 10-10-315. Ebwe mwólómwól reel extent il circumstances.
- (d) Eschay employer iye e resibi li eew claim of discrimination me ngare harassment iye e violate li policy yeel nge ebwe ghi sirioso le bwughi me ebwe kkayal aghule ngali Director of Personnel me ngare Commonwealth Equal Employment Opportunity (EEO) Coordinator reel mwoghutughut yeel. Employer me alilisil EEO Coordinator ebwe ghi asiguru li bwe re kkayúl inbistigali, privately me ebwe mwólómwól, ebwe wewe ngali yaar rebwe deteminali facto.

Ebwe yoor investigation report iye ebwe file reel EEO Coordinator. Aramas iye re akkusa li bwe e attay alegh kkal nge ebwe yoor yaal oppotunidód reel ebwe rebut li charges.

- (e) Ngare ra takkal detetminali factó sangi yaar investigation, employer ebwe fééru mwoghutughut kkal ngare ebwe counsel li employee , inamwo ngare ese bwal yoor mil ngaw e ffigis, ayora sanction iye e fil, e tolong disciplinary action, asiguru –li bwe alongeer employees ngare grupo re ghuley, employer, supervisory staff kka rese atabwey rebwal attay alugh yeel nge e feeru meta Commonwealth government rebwe liable.

### **§ 10-10-315 Non-tolerance of Sexual Harassment**

#### **(a) Applicability**

Policy me procedure kka e applikka ngalir alonger excepted service employees llól Commonwealth government.

#### **(b) Bwulul**

Policy me procedure yeel ebwe ayora Commonwealth government’s policy reel non-tolerance reel sexual harassment me inamwo meta, mereel employees, ngali employees, me reel non-governmental agents ngali government’s clients me employees. Ebwe bwal ayoor me amwelil amataf me training reer employees reel rebwe rekkoniza li, atipa sexual harassment lol leliyal angaang. Alégh yeel ebwe ayora ebwe faisul reel rebwe repoda, investigating me administrative action ngare eyoor sexual harassment.

#### **(c) Faal**

- (1) Sexual harassment nge eew unwelcome sexual advance, tingorel sexual favors me ngare bwal akkaw verbal me ngare physical conduct ikka e sexual in nature. Sexual harassment nge iye:
  - (i) Attabwey ngali mwoghutughut we nge e fééru explicitly me ngare implicitly term me ngare condition il yaal aramas we angaang
  - (ii) Ngare eschay e attabwey me ngare ese attabwey mwoghutughut we nge a eew basis reel disision kka re ffer iye e affecta li aramas we.
  - (iii) Reel mwoghutughut yeel a fééru ta meta kka ebwe angawa aramas we lól yaal angaang.
- (2) Sexual harassment nge emwal ebwe ghilighil tiw lól ruwoow tapalal féffér ngaw.
  - (i) Ngare eschay employee re amasaghú reel quid pro quo(milel ngare milal)situation. Tapalal sexual harassment yeel nge eghal fis ngare eschay supervisor me eschay iye eyoor yaal authoridod wóól victim we e angali bwe ebwe isaliwow me ngare towow demand. Me ngare e angali bwe ebwe atabwey yaal tingorel sex sino e fiyali, re asosolatiw gróódol, rese promoteli, me bwal akkaw mwoghutughut kka ebwe angawa llól yaal angaang. Tapalal sexual harassment yeel nge e fis mereel eschay aramas llól organization structure iye eyoor bwangil bwe ebwe control li yaal victim angaang.
  - (ii) Ngare mwoghutughutul lol leliyal angaang a fiisita eew lely amasagh. Tapalal sexual harassment yel nge e fis ngare eschay supervisor, eschay bwal schóól angaang re schu me victim we lol yaar angaang nge e affisita eew abusive work

environment, me eghal interfere reel yaal employee we angang reel kkapas me fééffúr reel yaal gender. Ikkal akkaw tapelal fééffér kka re rekkonisa li mereel kkooti bwe ayoora sexually hostile environment.

- (A) tittilapal mwoghutughutl sex
- (B) Yááya kkapasal aghekkey reel kulodil aramas.
- (C) Ese bwal nesesariyo ubwe angeeti
- (D) ffósul reel ululul
- (E) Abwari litirótol sex
- (F) Yááyál tapelal kkapas kka ese fil ree, babe, honey, etc.
- (G) Pomw kka ese fil
- (I) Fééffér ngaw
- (J) Ngaler akkaschay yaar angang bwele igha re tuuta reel consensual sexual activity; me
- (K) Yááyál kkapas kka ese fil reel yóóyó
- (L) Yááya mwungógh kka eghi ngúút, langalang.

(iii) Tapelal mwoghutughut kkal nige e ayoora liability ngali government nge mwoghutughut kka debi bwe rebwe kkayil awela mwal eghi tumógh ló.

(3)Eew leliyal angang rebwe kkonsiderali bwe sexual hostile ngare eyoor ruwoow tapelal mwoghutughut kkal:

- (i) aramas we maangi bwe e abusive
- (ii) )Ebwe weeri me aghi bwá bwe aghi hostile me abusive work environment.
- (iii) Ngare rebwe deteminali bwe eew mwoghutughut e sexual harassment ngare saabw nge rebwe kkonsidera li factors kkal:

- (A) Victim ngare malle ekke harass nge eschay mwál ngare schóóbwt. Ese bwal nesesariyo bwe ebwe opposite sex.
- (B) Harasser nge emwal ebwe supervisor, eschay agent il employer, supervisor mereel bwal eew angang, co-worker, me eschay sabw schóól angang.
- (C) Ese bwal nesesariyo bwe victim nge aramas we e harassed, nge inamwo iyo ye e mafi bwe ese ghatch fééffúr ngali
- (D) Sexual harassment kka ese fil nge emwal ebwe fis inamwo ngare ese bwal yoor economic injury ngali victim we.
- (E) Mwoghutughutul harasser nge ebwe unwelcome

(4)Sexual discrimination nge ese wewe me sexual harassment bwe igha eyoor akkabwt lol leliyal angang bwele ngare igha yeel mwál ngare schóóbwt. Nge ese tolong abusive behavior iye e affat llól subsection (b)iye weilang.

#### (d)Allégh

- (1) Alléghul Commonwealth government bwe alongeer schóól angang rebwe angang lol lely iya esóór sexual harassment me bwal akkaw tapelal discrimination. Sexual harassment nge e illegal faal Title VII reel Civil Rights Act il 1964, igha e amenda me ayoora reel 29 CFR 1604.11, me e allúgh faal chapter yeel me article 1, section 6, llól Commonwealth Constitution.
- (2) Sexual harassment nge e allúgh me alongal tapelal mwoghutughut kkal, inamwo ngare mwoghutughut ngaw we e mwoto sangi supervisors, managers, non-supervisors (co-worker)non employees(consultants, contractors, toulap)
- (3) Reghal tingor ngaliir alongeer employees bwe rebwe akkafatalong ngare eyoor violations il allégh kka. Ngare management ese reepiya reel mwoghutughut kkal ese mwal ebwe awela. Ngare eschay employee e weeri b me ebwal fiis ngali sexually discrimination me harassing behavior llol leliyal angang ebwe akkaffat ngali departmental EEO counselor me coordinator

bwe rebwe akkayal awela. Resabw soong ngalir employee igha re akkafat long reel meta re weeri.

- (4) Esóór employee resabw ngaley yaal angaang me risibi benefits bwele igha eyoor sexual relationship me eschay co-worker me ngare supervisor. Esoor employee me ngare non-employee ebwe angaliy eschay employee, eschay applicant ebwe angaang, client il government activity, bwe mwoghutughutul sexual nature nge ebwe affecta li yaal angaang, assignment, advancement, me bwal akkaw conditional angaang me akkaw mwoghutughut ngali government. Ngare eyoor tapelal mwoghutughut kkal , ngare ra takkal investigate li, nge ebwe yoor disciplinary me corrective action.
- (5) Employer, supervisory level, ngare l millc e affisita tapelal mwoghutughut yeel sexual harassment lol leliyal angaang igha e ghuley bwe e allúgh tapelela mwoghutughut yeel , igha l eschay official il Commonwealth government, igha ese weel féfférul me igha ese awela e yoor liability ngali government. Alongal mwoghutughutul sexual harassment ebwe akkafat ngali Equal Employment Opportunity Coordinator, Division Director or Dpartment Head/employer reel amwel. Supervisors me manager kka reghuley me re mwut ngali tapelal feefer kkal nge rebwe subject ngali disciplinary action.
- (6) Director il Personnel, ngare l Deputy Commonwealth Equal Employment Officer, rebwe kkayil aghuley ngaliir Department me Activity heads reel mwoghutughutul sexual harassment iye e ffis llól yaar organization me charges kka re risibi li mereel Equal Employment Opportunity Commission (EEOC).
- (7) Direkktodil Personnel ebwe asiguruli bwe alongal complaint il sexual harassment re resibili nge rebwe kkayil inbestigali. Appropriate actions rebwe féérú lol situations kka re chungi bwe e wel complaint nge kka discipline li harasser we. Ngare re chungi bwe complaint ese wel ebwe bwal yoor disciplinary action. Ngare victim e tingor bwe esaabw pwal yoor investigation ngare action rebwe féérú rebwe bwal inbestigali me ayoora mwoghutughut reel essabw pwal yoor mwal kka e ito, me ebwe bwal amamawa me atabwey alléghúl Commonwealth reel non-tolerance reel sexual harassment.
- (8) Complaints reel sexual harassment nge rebwe akkaya le file li igha e fiis reel ebwe yoor tempo reel rebwe appalúweli me rebwe aighughu tamal employee we ebwe lool le harass. Reel EEOC statues nge complaints emwal rebwe file inamwo ilet llól ebwughúw waliigh ráll igha e fis mwoghutughut we.
- (9) Incidents il harassment sangi yaal eschay employee sexual orientation, igh ese lo faal aleghul Equal Employment Opportunity violation, violation kkal e ataiy aleghul Commonwealth reel igha ebwe ayoora ngaliir alunger employee leliyal angaang iye e safe, ese amasagh, me non-discriminatory. Mwoghutughut kkal nge subject ngali disciplinary action.
- (10) Ngare re hire li eschay employee iye reghuley bwe eyoor yal rekkodil sexual harassment me ngare misconduct, government e liable reel negligent hiring. Esabw yoor maale eyoor yaal history ebwe angaang mwal rebwe ayoora complete background investigation me rebwe apreba li mereel Director il Personnel.
- (11) Employer ebwe ngaler eschay me eschay layul school angaang policy yeel me ebwe asiguru lib we policy yeel e appasch ta igha emwel rebwe weeri.
- (12) Ebwe yoor training ngaliir alonger supervisors reel rebwe identify me atipa sexual harassment llól leliyal angaang. Rebwe train reel ebwe faisul yaar rebwe féérú limited administrative investigation me mwoghutughutul yaar rebwe repodd li allegations reel harassment.

(e)Mwóghutughut

- (1) Government official ebwe akkeya li report li ngali Equal Opportunity Coordinator, Division Director, Deparment head/employer ngare eyoor mwoghutughutul sexual harassment. Liability

ngali Commonwealth government ngare eschay government official e subject li eschay employee ngali sexual harassment me ngare eghuley bwe eshay employee e subject li eschay bwal employee ngali sexual harassment nge ese repodd li me ebwe awela tapal mwoghutughut yeel.

- (2) Eschay employee iye e fiis ngali sexual harassment, me ngare eghuley reer akkaschey employee ebwal fiis ngalir sexual harassment, nge ebwe kkayil repodda ngali yaal department al Equal Employment Opportunity Coordinator, Divisions Director me Department Head/employer. Ngare employee e mafi bwe ese comfortable ebwe aghuley ngaliir schoo kkey, me ngare Division Director, Department Head/employer ebwal toolong ll'ol mwoghutughut yeel, ebwe aghuley ngali Commonwealth Equal Employment Coordinator reel ofisinal Personnel Mangament, ngare bwusil ngali Director il Pesonnel. Aschuschu yeel nge ese bwal nesesariyo bwe ebwe iisch.
- (3) Ngare sexual harassment e toolong physical assault, reel rape, attempted rape, me bwal akkaw mwoghutughut kka e toolong physical contact, employee me ngare eschay official re ghuley rebwe kkayil reppoda ngali Department of Public Safety bwe rebwe kkayil inbestigali. Ngare eyoor physical evidence resabw amwoghuti bwe rebwe weti school Department of Public Safety.
- (4) Alongal mwoghutughutul alleged sexual harassment nge rebwe kkayil aghuley ngali Commonwealth Equal Employment Opportunity Coordinators reel Ofisinal Personnel Management me bwusil ngali Director il Personnel me employer, me akkaschay senior official ngare employer ese available nge eghuley. Employee we ekke complain rebwe interview li reel departmental Equal Employment Coordinator, legal counsel, Division Director, me Department Head/employer reel rebwe detetminali ngare e wel yaal allegations. Director il Personnel me ngare Commonwealth Equal Employment Opportunity Coordinators rebwe le detetmina li ngare department rebwe bwusil inbestigali me ngare rebwe umwumw schoól lúghúl iye ebwe aalletai.
- (5) Bwele reel tumoghol legal liabilities reel mille sexual harassment, Director il Personnel ebwe responsabilidóód reel ebwe inbestigali me affili investigation official (EEO official, manager me ngare legal counsel)ngare unit(Office of the Attorney General ngare Department of Public Safety).
- (6) Alongal allegations il sexual harassment mereel employees ngare reweri mereel eschay ngare management staff nge rebwe akkafat ngali Director of Personnel bwe rebwe aalleta. Llól situations kka victim we e tingor bwe esabw yoor investigation ngare action rebwe féérú ebwe schaagh inbestigali me ebwe yoor action rebwe féérú reel rebwe atipa bwe esabw bwal yoor tapal fééffér kkal llól mwasch kka ebwe ito me rebwe amamaway yaal Commonwealth policy reel non-tolerance reel sexual harassment.
- (7) Department(s) iye e schuu long llól complaint yeel me official ngare unit iye re afillir rebwe aalleta rebwe angaang fengal me Office of Personnel Management reel mwoghutughutul investigation, reporting me resolve li complaint.
- (8) Department iye e schuu long llól complaint me Office of Personnel Management rebwe asiguru li bwe esabw yoor fééférú tibwabwut ngali complainant me witnesses sangi alleged harasser me ngare sangi akkaschay employees.
- (9) Llól pomwol igha rebwe aalleta complaint, ikkal tapelal amwel rebwe attabwey:
  - (i) Rebwe sirioso le bwughi alongal complaint
  - (ii)Resabw ghomwal ira bwe eschay e miis, bwungul ii me ruwoow patida rebwe protected
  - (ii)lir me ruschay patida rebwe apasa yaar side
  - (iv)Alongal meta nge ebwe mwólómwól
- (10) Rebwe akkaya féérú administrative investigation. Repood ebwe atabwey format iyel ngare ra bwughi lló reel Director il Personnel

Weimwoscheeyil Lapalap iwe e ffil

Facto kka re chungu

Titilap

Meta

Conclusion

Recommendations

- (11) Director il Personnel ebwe amweri repood bwe ebwe asiguru li bwe alongal factu nge e suppotali meta iye re weri me alongal meta kka re rekkomendali me a wewe ngali Commonwealth disciplinary policy. Office il Attorney General ebwe ghuley me ebwe bwal asiguru li bwe resolution nge e ffil me e legal.
  - (12) Director il Personnel ebwe afanga repood ngali Department/employer me meta kka re rekkomendali reel resolution mereel Personnel Management ngali complaint.
  - (13) (i)Dependi wóól efaisul adidil mwoghutughutul sexual harassment, resolutions ngali lapalap yeel nge ebwe toolong administrative actions kkal
    - (A) Conference/counseling
    - (B) Oral me written warning
    - (C) Kkattal reprimand
    - (D) Suspension
    - (E) Demotion
    - (F) Termination(ii)Alongal administrative action nge ebwe lemwey sangi me ese contingent wool civil me ngare criminal court actions
  - (14) Employer ebwe resolve li complaint/grievance sangi investigation me meta re rekkomendali mereel Office of Personnel Management. Ngare Department Head/employer ese tipiyew ngali meta kka re rekkomendali, ebwe kkayil schuu me Direkktod il Personnel reel rebwe awelaló meta kka rese tipiyew ngali. Ngare I me ruwoow pattida rese mwal rebwe tipiyew fengal, emwal rebwe bwughi ló reel Governor bwe I mille ebwe féér otimwol disision.
  - (15) Emwal Complainant me ngare respondent ebwe appeal li final resolution ngali Director il Personnel, nge esabw luu sangi seigh me limwoow ráll mwuril yaar risibi li arongorongol final resolution. Ngare complainant me respondend nge re excepted service employee me saabw gubernatorial me ngare mayoral appointees, emwal rebwe appeal li final resolution ngali Direkktod il Personnel, esaabw luu sangi seigh me limwoow ráll mwuril re resibi li arongol final resolution. Complainant me ngare respondents kka re gubernatorial me mayoral appointees emwal rebwe tingor llól iisch reel employer ebwe review li disision we llól yaar case, nge final resolution kka re abrepa li mereel Governor me ngare Mayors reel cases kka e toolong layur appointees nge ese mwal rebwe appeal li.
  - (16) Direkktod il Personnel ebwe ayoora hearing reel appeal mwuril a féér yaal disision.
  - (17) Reel sexual harassment nge ese bwal yoor mwoghutughutul harassment iwe rebwe atabwey schaagh ifaisul mwoghutughutul normal grievance iye reghal yááyá mereel Equal Employment Opportunity reel akkaw complaints.
- (f) Rekkod me Repood
- (1)Office of Personnel Management ebwe amwuschú alongal rekkodil alongal allegations il sexual harassment me kkopial investigative repood.
  - (2)Rekkodil on-going investigation nge rebwe isely llól eew confidential file ese schuu ngali official personnel folder. Ngare ra takkal amweri complaint we rebwe isali lló rekkod il resolution me disciplinary action llól eew official personnel folder iye e ffil.



(3) Official Personnel Management ebwe repodda ngali Governor iteital rágh llól yaal annual personnel repodd reel fitimal cases il sexual harassment me meta yaar resolution.

(g) Responsibilidóod

(1) Alonger employees rebwe ghuley alléghúl Commonwealth Equal Employment Opportunity me Non-tolerance Sexual Harassment me rebwe atabwey igha ebwe ayoora safe, ese amasagh me non-discriminating leliyal angaang.

(2) Alonger supervisors, managers, me direkktod rebwe ayoora leliyal angaang iye ebwe safe, amasagh me non-discriminatory. Rebwe asiguru li bwe alonger employees reghuley bwe sexual harassment nge ese tolerated, me asiguru lib we ngare eyoor lapalapa sexual harassment nge rebwe repodda igha e affat llól allégh yeel.

(3) Alonger counselor il progróomal Equal Employment rebwe ghi mataf reel alongal alléghul federóod me Commonwealth me rebwe kke up-date liir reel mwoghutughutul EEO. Rebwe mwolota reel rebwe ghal asaling akkaw complaints llól yaar dipatamento me activity nge rebwe ayoora counseling me alilisil ngalir schoo kka e inafectalir. Rebwe angaang fengal me department activity EEO Coordinator.

(4) Alonger Department/Activity Equal Employment Coordinators rebwe mataf reel alongal alléghul federóod me Commonwealth me rebwe kke up-to-date liir reel mwoghutughutul EEO. Coordinators rebwe ayoora alilis ngalir department/activity EEO counselors me management staff. Rebwe angaang fengal me Commonwealth EEO Coordinator

(5) Alongal Department me ngare Activity Heads, ngare iir activity Equal Employment Officers rebwe isisiwow eew kkapasal alégh sangi Employment Opportunity me ebwe ayoora yaal department progróommal Equal Employment Opportunity iye e tolong policy il non-tolerance reel sexual harassment. Supervisors, managers, me directors rebwe féerú meta leliyal angaang ebwe safe, ese amasagh, me nondiscriminatory. Rebwe apéschekkúli Alléghul Commonwealth reel non-tolerance reel sexual harassment me rebwe bwughi me féerú mwoghutughut iye ebwe awela mwoghutughutul sexual harassment.

(6) Direkktodil Personnel, ngare I Deputy Equal Employment Officer llól Commonwealth ebwe asiguru li bwe re ayoora Equal Employment Opportunity Program iye ebw ayoora training ngaliir alonger schóol angaang reel prevention me resolution reel sexual harassment. Direkktod il Personnel ebwe bwulúw administrative investigation reel allegations il sexual harassment me ebwe asiguru li bwe. E atabwey resolutions kka e fil ngali mwoghutughutul sexual harassment.

(7) Sow Lemelem, ngare I Equal Employment Officer llól Commonwealth ebwe ayoora policy reel non-tolerance reel sexual harassment. Sow Lememebwe amwushu alonger Department me Activity Heads accountable reel rebwe suppotali Commonwealth Equal Employment Opportunity me non-tolerance reel sexual harassment policies, me rebwe féerú responsibilidood kka e affat llól policy me procedures.

(h) Equal Employment Opportunity Commission

(1) Ngare yaal employee sexual harassment complaint rese mwóghutaghali me ngare ese fiisch ngali tipal, emwal employee ebwe file li eew complaint ngali Equal Employment Opportunity Commission (EEOC). Complainants emwel ebwe bwal file li yaal complaint ngali EEOC. Ebwe bwal affat bwe eyoor statutory limitation reel ebwe 180 ráll mwuril ralil we e fis harassment/discriminatory igha emwel ebwe file complaint.

EEOC me Hawaii

300 Ala Moana Blvd.

Room 7123A

Box 50082

Honolulu, Hawaii, 969850  
(808)540-3120  
EEOC me San Francisco, California  
901 Market Street  
Suite500  
San Francisco, California 94103  
(415) 356-5100

(2) Commonwealth government ebwe aweewey alongal complaints sangi administrative process. Employees rese bwal subject ngali retaliatory actions reel igha re file complaint ngali Equal Employment Opportunity Commission.

### **§10-10-320 Anti-Bullying Policy**

(a) Commonwealth e pwol bwe ebwe ayoora ngali alongeer employees leliyal angaang iye e bwoo me safe. Alléghul government bwe leliyal angaang nge esabw yoor bullying. Alongal agencies nge rebwe ayoora leliyal angaang iye e bullying free. Allégh yeel ebwe ngaliir alonger excepted service employees, inamwo meta yaar employment status.

(b) Faal bullying nge e persistent, malicious, ese kkatiw, sever me pervasive mistreatment iye a afeyengawa, amasaghu, offendi, asawa eschay employee, ngare reel kkapas me ngare physical llól leliyal angaang.

(1) Ikkal tapelal mwoghutughut kka re aweewey bwe bullying llól leliyal angaang. Lista yeel nge sabw alongal nge reel schagh ebwe yoor aweewe.

(i) Suul ngali me bwal akkaw nonverbal demonstration il hostility.

(ii) Ese toolong llól akkaw mwóghutughut.

(ii) Excessive monitoring, me micro-managing

(iv) Work-related harassment (a bwal ghi ssogh angaang, unrealistic deadlines, meaningless tasks)

(v) Re aweewey ngalugh eew standard iye ese wewe ngaliir akkaschay schóól angaang

(vi) Ese afali me interrupt li eschay employee mwalil schóól angaang

(vii) Personal attacks (akkabwasal ssong, yoyo, ngare name-calling)

(viii) amwuscheleer akkaschay rebwe saap ngali targeted employee

(ix) Sabotage li yaal employee we angaang, me undermining li yaal employee we performance

(x) Stalking

(xi) Ese úló vebal abuse, yayal kkapas kka e angawa, asawa me epithets

(xii) Iapalap iye eschay aramas e weri bwe amasagh, offensive, me ese ffil ngali yaal ememployers business interest.

(2) Rebwe awela mille bullying llól leliyal angaang mwal ebwe severe me pervasive.

(c) Employee iye e mafi bwe reghal bully li nge ebwe akkafat ngali layul supervisor nge esabw masagh.

(d) Eschay employer e resibi li eew claim reel bullying e atay allugh ebwe kkayil aghuley ngali Director reel Personnel me ngare Commonwealth Equal Employment Opportunity (EEOC) Coordinator reel mwóghutughut kkal. Employer, me alilisil EEO Coordinator, ebwe asiguru lib we re kkayil inbestigali, privately me ebwe mwólomwól, ebwe wewe ngali igha rebwe detetminali facto. Investigation ebwe documented mereel eew investigative report iye ebwe llo llól file ebwe mwólomwol reel EEO

Coordinator. Aramas iye e accused bwe e attay allúgh nge ebwe yoor yaal opotunídóód ebwe opiy charges kkal.

(e)Ngare ra takkal detetminali facto sangi yaar investigation, employer ebwe bwughi corrective action igha e fil ngali circumstances. Emwel ebwe toolong counseling ngali inamwo iyo employee, ngare e fis me ese fiis eew violation: ebwe ayoora mwóghutughut iye e fil ngali, e toolong disciplinary action; asiguru li bwe allégh yeel alongeer employees me gurupu re ghuley. Employer, supervisor , staff, iye ese fééru meta iye ebwe awela lapalap yeel nge ebwal violate li allúgh me ebwal fééru meta ebwe yoor liability ngali Commonwealth government .

### **§10-10-325 Alcohol me Drug Free Workplace Policy**

#### **(a) Allúgh**

Ngare employer, government ebwal rekkonisa li yaal responsabilidóód ngali layul employees me toulap reel ebwe ayoora leliyal angaang iye e safe me bwal llól kkomínidód. Government ebwal ghi concern reel ngawal alcohol me drugs ngali pomwol angaang. Ebwal rekkonisa bwe ngare pomwol eschay schóól angaang e ngaw bwe le reel alcohol me drugs nge emwal ebwe angaawa mwoghutughutl government. Ebwal rekkonisa lib we alcoholism, problemal uul me drug addiction nge emwal rebwe safeya. Government e amweschela alonger employees kka eyoor problemar reel drugs me alcohol nge rebwe ghuta tapelala alilis kkaa eyoor bwe rebwe alisi bngaliir mwal ete angawa yaar angaang.

#### **(b)Faal**

Reel bwobwul awewe llól sect'ion yeel:

- (1) Akksidenti. Mwoghutughut iye e ayoora
  - (i) Máá
  - (ii) e afeyengaw eschay aramas iye e nesisitay professional medical treatment, saabw simpe at scene first-aid , me ngare
  - (iii) Economic loss, e toolong property damage, e laap sang \$2,500.00
- (2) Assessment. Re detetminali ngawal yaal eschay problema reel alcohol me drug me analysis reel meta tapelal treatment, sangi eschay expert llól field il substances abuse.
- (3) Breath Alcohol Concentration (B.A.C.)
- (4) Breath Alcohol Technician (B.A.T.) aramas iye e atorisa ebwe bweibwogh breath specimen faal subsection (g)(2) me e opereda li E.B.T.
- (5) Consulting Physician. Dokkto iye eyoor yaal licensed nge e angaang ngali government reel ebwe ghal advise wóól drug testing.
- (6) Drug. Eew substance
  - (i) rekkonisa me llól official Unites States Pharmacopoeia, official Homoeopathic Pharmacopoeia llól United States. Me ngare official National Formulary, me akkaw supplement ngali ; ngare
  - (ii) ebwe yááya reel rebwe diagnosis, cure, mitigation, safeyal me prevention il sumay llól aramas, maal; me ngare
  - (iii) lughúl mwungo, minerals, vitamins, ikka ebwe affecta li structure me ngare function il ilighil aramas me ngare máál
  - (iv) ebwe yááyá reel eew component ngali article iye e affat llól subsection (b)(6)(i), (ii), ngare weilang. Devices me akkaw components , parts me ngare akkaw pisegh nge ese bwal kkonsidera bwe drugs faal awewe yeel.
- (7) Evidential Breath Testing Device (E.B.T.) device iye

- (i) e apreba mereel National Highway Traffic Safety Administration (NHTSA) reel yááyal evidential breath testing, me
  - (ii) E lló wóól NHTSA's listal Conforming Products reel E.B.T.s; me
  - (iii) E atabwey ngali model specifications reel NHTSA. Offisinal Alcohol me State Program.
- (8) Illegal Drug, drug iye
- (i) rese bwughi legally;
  - (ii) Reghuley nge re yááyá ngali eew wewe nge sabw reel meta iye rebwe yááyá ngali;
  - (iii) Eew designer drug me ngare drug substance iye rese apreba li reel yááyál medikko me bwal U.S. Drug Enforcement Administration me ngare U.S. Food and Drug Administration.
- (9) Invalid Test. Test-il ngasangas me amiaw nge e dekklaro mereel Medical Review Officer (M.R.O) bwe ese ghatch, e toolong specimen iye e rejected reel testing mereel laboratory reel inamwo meta rason. Test iye ese ghatch nge resabw kkonsiderali ngare eghatch ngare engow.
- (10) Medical File. File iye e lo yáál employee medical examination form, mental health referrals, resutal test il alcohol me drug me bwal akkaw dokkomental health related, e llo reel Ofisinal Personnel Management nge e sangi sáangi yaal employee official personnel folder.
- (11) Medical Review Officer (M.R.O.) Dokkto iye e lisensia , appunta mereel government iye eyoor yaal specialized training llól substance abuse disorders me yááyal me evaluation il resutal drug test. M.R.O nge ischagh mile a atoriza ebwe risibi lil laboratory drug test results me primary contact reel aiyegh reel drug testing laboratory.
- (12) Reasonable Suspicion. Meta reweri sangi, mwóghutughut, apasa reel ululul, lapalapa, kkaapas, bwool eschay aramas, circumstances, physical evidence, physical signs me symptoms, mwoghutughutul iye eschay trained supervisor ebwe mengii bwe eschay aramas e lo faal influence il alcohol me illegal drugs igha ekke angaang.
- (13) Safety-sensitive. Eew tapelal kkaapas iye e describe li mwoghutughut nge e affecta li eschay me ngare ssoghul aramas. E toolong draibal gharetta me ngare heavy equipment me bweibwoghil ppaakk. Eew department, entity me ngare organization head, me Direkktoodil Personnel Management ebwe identify li positions kka e safety-sensitive positions sangi lappal ora kka eschay employee e pomwoli safety-sensitive functions.
- (14) Statement of Fitness for Duty. Eew ischii sangi eschay substance abuse professional (S.A.P) bwele reel employee we yaal ese dependent wool alcohol me drug me ese affecta li yaal angaang.
- (15) Substance Abuse Professional (S.A.P) Eschay physician, psychologist, psychiatrist, social worker iye e ghi reepi me eyoor yaal clinical experience reel ebwe diagnose li me safeya sumay alcohol me drug, me ngare eschay counselor iye e certified mereel National Association of Alcoholism me Drug Abuse Counselors.
- (16) Under the Influence. Lapalapa eschay aramas me bwangil reel angaang e affecta reel yááyál alcohol me drugs; e bwulas.
- (17) Vehicle. Device iye emwal ebwe mwoghut wool yaal, llól schaal me wóóy llang.
- (c) **Mwoghutughut kka ese ffil**
- (1) Ameewló, akkamé, Possession me mangemangil ebwe deliver, transfer il illegal drugs. Essor employee ebwe

- (i) amémé, akkame, ammwet
  - (ii) ebwe akkaméló, akkame, amwet;
  - (iii) e akkamwasch nge intention bwe ebwe deliver li, illegal drug wóol government property, llól gharettal government me ngare eew mwoghutughutul government. Eew defense ngali provision yeel ngare eschay employee e angaang ngali law enforcement agency nge e ffig eew mwoghutughut igha peighil yaal angaang ebwe inbestigali illegal drug trafficking.
- (2) Possession of Illegal Drugs. Esabw yoor employee ebwe bweibwogh illegal drug wool government property, llól gharettal government me ngare eew mwoghutughutul government. Eew defense ngali provision yeel ngare eschay employee e angaang ngali law enforcement agency nge e ffig eew mwoghutughut igha peighil yaal angaang ebwe inbestigali illegal drug trafficking.
- (3) Possession of Open Containers of Alcohol. Faal nge ese mwel employee ebwe akkamwasch eew latal biru me ngare meta iye eyoor alcohol llól gharettal government ngare e angaang me leliyal yaal angaang.
- (4) Under the Influence of Alcohol or Illegal Drugs. Faal nge esabw yoor employee ebwe bulas me ngare e yááyá drugs ighi e angaang me ngare ebwe lló angaang. Igha re affata llól subsection yeel, alcohol nge e toolong alcohol kka re chungi llól prescription me non-prescription drug, reel safeyal lallaw. Eschay employee rebwe lúghiw bwe e under influence il alcohol me illegal drug ngare:
- (i) Yaal employee B.A.C nge 0.02 me ngare e lap lló
  - (ii) Re chungi illegal drug llól amiaw
  - (iii) employee e yááyá alcohol me inamwo meta illegal drug igha e ghuley bwe e on call nge rebwe faingi bwe ebwe pomwoli angaangal safety-sensitive functions.
  - (iv) employee e yááyá alcohol me ngare drug llól faawu ora mwal ebwe llo angaang nge ebwe pomwoli safety-sensitive functions.
- (5) Refusal to be tested: Faal nge eschay employee iye ebwe tested reel drugs me alcohol faal provision kkal nge ese mwal bwe esabw tested. Tapelal lapalap kkal nge rebwe kksiderali bwe ese mwuschal ebwe tested.
- (i) Eyoor iisch mereel employee we bwe ese tipeli ebwe tested mwuril igha re aghuley ngaliy bwe eew requirement.
  - (ii) E apasa mwal ruschay witness bwe ese tipeli ebwe tested mwuril yaar takkal angeliy bwe eew requirement.
  - (iii) Ese atabwey outol ebwe isalilong specimen reel testing, me esoor valid medical explanation, mwuril igha ra takkal iischi ngaliy bwe eew requirement reel rebwe test li. Eschay M.R.O. me ngare consulting physician ebwe detetminali ngare eyoor rasoon il meta ese isisilong amiaw reel ngare (shy bladder) me ngare breath sample (shy lung);
  - (iv) Féérú mwoghutughut kka ebwe angawa bweibwoghul specimen
  - (v) ese llo reel post-accident testing, me ngare e mwet sangi leliayl accidenti mwal rebwe féér testing decision. Eschay employee emwal ebwe mwet sangi leliyal accidenti ngare bwele reel medical care me alilis. Ngare employee e mwet sangi leliyal accidenti ebwe kaayil aghuley ngali yaal supervisor iya igha e llo iye me meta bwulul e mwet sangi leliyal accidenti.
  - (vi) E úúl biru me yááyá drugs mwuril accidenti me mwal ebwe yoor disision e féér
  - (vii) Ese sefal to angaang mwuril igha eyoor accidenti llól atul yaal shift. Accidenti iye emwal ebwe yoor testing disision ebwe féér.
  - (viii) ese report ngali specimen collections site outol we re angaliy reel requirement yeel bwe rebwe test li.

- (6) Giving False Information: Faal nge esabw yoor employee ebwe mis reel specimen il amwiawal me ngare ebwe angawa me liweli specimen.
- (7) Refusal to Comply with Treatment Recommendation:Faal nge Esoor employee esabw atabwey rekkomendation reel treatment ngare after-care féér sangi M.R.O, ngare S.A.P reel consequence il yaal prior test results reel drug me alcohol.
- (8) Failure to Notify Government of Conviction. Faal nge esoor employee esabw aghuley ngali Director of Personnel Management reel criminal drugh statute conviction, llo limwoow ráll igha e convicted. Ngare violation reel criminal drug statute e ffis durantil employees rekke fééru angaangal Commonwealth, me ngare e llo wool me ngare yááya Commonwealth property.
- (9) Supervisor Responsibility for Confidentiality:Esoor employer eghuley ngare ese afali yaal eschay employee right reel meta e mwolomwol reel alcohol me drug testing me ngare ese fééru yaal responsibilidad faal section yeel.

(d) Penalties me Consequences

- (1) Disciplinary Action.Eschay employee iye e fééru eew mwoghutughut iye e ngaw faal subsection (c) nge ebwe subject ngali discipline iye e ffil dependi wool circumstances.
  - (i)Ngare eschay employee e féér eew lapalap e ngaw sangi subsection (c) nge esoor rasoon, employee ebwe disciplined me emwal rebwe atowowu. Ese bwal laap, employee ebwe resibi li formal reprimand. Ngare lapalap we ngaw employee we e fééru nge e yaaya alcohol me illegal drugs, rebwe afanga lo reel S.A.P reel assessment me treatment.
  - (ii)Aeewal offense, under influence. Eschay employee iye re schungi bwe e bwulas me e yááyá illegal drugs iye e atay alleghul llo subsection (c) (4), reel aeewal , resabw atowowu bwele igha e lo faal influence il alcohol me illegal drugs. Ngare, aramas we e accidenti dependi wool circumstances, emwal employeer ebwe ayoora disciplinary action reel rebwe atowowu, inamwo igha iyel aeewal offense.
  - (iii)Serious offenses: Tapelal mwoghutughut kkaal, inamwo igha aeewal, nge rebwe kkaayil ayoora disciplinary action reel rebwe atowowu school angaang.
    - (A)akkamwéló, akkamwé, isiis reel mángámangil ebwe dilibali, amweta il illegal drugs, me ekke pomwoli ebwe akkaméló, akkamé me ngare amweta illegal drugs igha e attay subsection (c) (1);
    - (B)E accidenti nge eyoor máá igha e bulas me ngare e yááyá illegal drugs, e attay alleghul llo subsection (c) (4);
    - (C)Ebwe pomwoli me ngare ekke pomwoli eew angaang iye e safety sensitive, e bwulas me e llo faal illegal drugs, e attay alleghul subection (c) (4);
    - (D)Ese tipeli e tested, e attay alleghul subsection (c)(5);
    - (E)E ngaley information iye ese weel, e contaminate li me ngare ekke pomwoli ebwe angaawa sample il amiwaw, e attay alleghul subsection (c)(6);
    - (F)Ese aghuley ngali authority reel convictions reel drug offese, e ataay aleighul subsection (c)(6);
    - (G)E tested positive reel alcohol me illegal drugs llo limwoow ráágh mwal eewal yaal tested positive; me
    - (H)E ataay alleghul yaal contract reel ebwe sefal to angaang llo subsection (e)(2)
- (2) Arong reel akkaw tapelal Treatment. Employees kka rese atowowur me llo government services mwuril yaar fééru mwoghutughut kka e attay subsection (c) rebwe aronga ngaliir bwe eyoor resources kka eyoor reel evaluation me resolving problemal yááyál

alcohol me illegal drugs. Ofisial Personnel Management Alcohol me Drug Free Workplace Coordinator ebwe ngaler ital, addresses, me numeral telephone il local S.A.P. me substance abuse counseling me progrómal treatment. Employee ebwe attaka lló alongal mwoghutughutul treatment mwal rebwe kkkonsiderali ebwe sefal to angaang.

- (3) Repot ngali Department of Public Safety. Eschay employee iye a féér ngaw iye e prohibited sangi subsection (c)(1) me ngare (c) (2) employeer ebwe repood ngali Department of Public Safety reel emwal rebwe ayoora criminal prosecution.
- (4) Duty/Pay Status Pending Disciplinary Action; Eschay employee e fitilong llo eew accidenti nge eyoor maal máá, eschay employee ebwe subject ngali disciplinary action reel igha e ataay alesh lol subsection (c), nge saabw subsection (c) (7), ebwe mwel ebwe angaang nge ebwe aweteweti resutal proposed disciplinary action nge esabw pomwoli angaang kka e safety –sensitive, emwal ebwe bwal fééru angaang kka ese bwal kke pomwoli. Employee iye e subject ngali disciplinary action reel igha e attay aleshul subsection (c) iye e lo llo eew accidenti nge eyoor maale e máá nge ebwe lo wool leave without pay awetewetil resolution il disciplinary action reel ebwe towow.

(e) Mwóghutughutul sefaal long angaang

(1) Meta kka ebwe féér mwal ebwe sefalato angaang. Esabw yoor employee iye e tested positive reel alcohol me illegal drug ebwe sefaalong tarabwagho ngare schagh bwe employee we e:

- (i) atabwey ngali rekkomendal M.R.O. ngare S.A.P reel safey,
- (ii) Tested negative reel alongal test kka employee e obwossu reel test il alcohol. Ngare igha re atéwow bwele reel yaayal alcohol, cocaine, marijuana, opiates, amphetamines, me phencyclidine, Re atewow bwele reel yaayal drug; me
- (iii) E tipeli ngali eew return to duty contract.

(2) Kkontract reel ebwe sefal long tarabwagho: Sefal loong kkontract nge ebwe yoor provisions kkaal.

(i) Aftercare. Eew agreement reel ebwe atabwey alongal aftercare me ebwe follow up reel treatment recommendation reel eew ngali limwoow raagh, igha re detetminali mereel yaal employee S.A.P;

(ii) Follow-up testing: ebwe yoor abwungobwung fengal reel test il alcohol me drug iye resabw arongawow. Dipendi wool meta substance iye re atowowugh reel; employee e obwossu, sangi eew ngali limwoow raagh, igha re detitminali mereel yaal employee S.A.P, nge esabw ghitighit sangi faal oloow test lol aeewal raagh mwuril igha employee a sefal llong tarabwagho.

(iii) Atabwey allégh. Ebwe yoor abwungobwung reel alongal alleghul government me mwoghutughutul angaang.

(iv) Term: Eyoor abwungobwung bwe terms il kkontract ebwe effective llo limwoow raagh mwuril employee e sefal loong angaang; me

(v) Breach of Contract: E bwungobwung bwe ngare eyoor aoutol return to duty contract e ataay nge ebwe grounds for termination.

(f) Ótol Testing

(1) Testing mwal angaang: otol isisilongol application, aramas iye e kke apply ngali eew angaang llo excepted service rebwe aghuley ngali bwe ebwe mwal le angaang ngare e negative amiawal igha re test li. Ngare e angaang, employer we rebwe test li reel cocaine, marijuana, opiates, amphetamines, me phencyclidine llo amiawal. Kkondidotu ebwe obwossu yaal test. Testing

ebwe atabwey subsection (h), faal. Applicants kka refasul angaang llo government me applicants kka rebwe le angaang nge re withdraw liir bwele igha yaar ghomwal test results e positive reel amiawer, rebwe ayoora written release reel testing history il amiawor llo ruwoow raagh mwal yaar r'alil yaar application.

- (i) Ese mwal eschay excepted service iye e féé ebwe bwel le angaang ngare ese isisilong resutal test il amiawol, iye re bwughi mwuril yaal a angaang nge e abwari bwe e negative reel cocaine, marijuana, opiates, amphetamines, me phencyclidine.
- (ii) Ngare resutal test e abwari bwe e positive reel drug, nge esoor bwulul, rebwe bwughi sefali angaang we.
- (iii) Ngare eschay kkondidóto e ngalong yaal drug history nge e bwa bwe e positive llo ruwoow raagh mwal ralil application, rebwe withdraw li sefali angaang we ngare schaagh bwe kkondidóto we e isisilong yaal statement of fitness reel ebwe angaang me re bwungu fengali bwe ebwe yoor abwungobwung eweewe ngali return to duty contract iye e llo subsection (e)(2)

(2) Reasonable Suspicion Testing. Ngare re lughúw bwe employee we e bwulas me e yááya drug igha e lo angaang me ebwe bwel le angaang, supervisor emwal ebwe tingor reel employee ebwe isisilong breath me urine test reel alcohol, cocaine, marijuana, opiates, amphetamines, me phencyclidine. Except igha government ebwe obwossu méé testing.

- (i) Supervisor iye re train li ghatchuw. Supervisor iye a government-approved training llo physical behavioral, me performance indicators reel drug me alcohol emwal ebwe fééru reasonable suspicion testing decisions.
- (ii) Objective inquiry. Supervisor we e trained ebwe owruru employee we re suspecta li bwe e under influence reel alcohol me illegal drug. Disision reel testing ebwe sangi repood reel meta re weri, facts il mwoghutughut me meta re weri reel physical me behavioral characteristics il employee we. Mwaal rebwe féér disision reel testing, supervisor we ebwe kkaapas aiyegh ngali employe we igha e mwolomwol iye reel ebwe aiyegh ngare eyoor rason meta e iwe yaal mwoghutughut reel nge esabw sangi yayal alcohol me drug.
- (iii) Verification: Esóór employee ebwe bwughi alcohol me drug test bwele igha reel reasonable suspicion ngare schaagh bwe e nesesitay bwe le reel rebwe verified mereel aruschayil government employee iye e train ghatch. Regained verification nge ebwe féér sangi eschay aramas.
- (iv) Allisil Waa. Supervisor me ngare manager rebwe tabwey lo employee we reel leliyal testing me rebwe ayoora ngali waal lo leimw mereel collection site. Ngare employee we ese mwuschel rebwe umwo nge e demandali bwe ebwe bwusil taraibwali, supervisor ngare mangager ebwe aghuley ngali Department of Public Safety.
- (v) Duty pending test results; Employee iye e tested bwele reel reasonable suspicion nge ese mwal ebwe pomwoli angaang iye e safety-sensitive mwal ebwe takk yaal test results me re verify li.
- (vi) Repood. Supervisor ebwe iischi, affata alongal facto meta e tingor ebwe yoor reasonable suspicion testing reel. Repood yeel ebwe mwolomwol nge ebwe isis llo yaal employee medical file, otol iye rebwe le nesisitaay reel disciplinary action, otol yeel nge repood ebwe le file llo yaal employee official personnel folder.

(3) Post-accident Testing. Eschay employe iye reel mwoghutughul emwal ebwe ayoora accidenti yaal supervisor ebwe iischi ngali bwe ebwe tested reel breath me amiawol reel rebwe pippi ngare eyoor alcohol, cocaine, marijuana, opiates, amphetamines, phencyclidine. Except reel testing kka government ebwe obwossu.



- (i) Supervisor training. Supervisor iye schagh e government approved training llo physical behavioral, me performance indicators reel probable drug me alcohol use emwal ebwe féér post-accident testing decisions.
- (ii) Objective inquiry. Yaal supervisor disision reel ebwe yoor testing nge ebwe sangi repood reel meta re weri, facts reel meta re weri reel mwoghutughutul employee we. Supervisor emwal ebwe bwal require li schoo kka re tarabwa li gharettal government me operate li government equipment kka rebwal llo llo accident bwe rebwe bwal tested.
- (iii) Alilisil Waa. Supervisor me ngare manager rebwe tabwey lo employee we reel leliyal testing me rebwe ayoora ngali waal lo leimw mereel collection site. Ngare employee we ese mwuschel rebwe umwo nge e demandali bwe ebwe bwusil taraibwali, supervisor ngare mangager ebwe aghuley ngali Department of Public Safety.
- (iv) Duty pending test results; Employee iye e tested bwele reel reasonable suspicion nge ese mwal ebwe pomwoli angaang iye e safety-sensitive mwal ebwe takk yaal test results me re verify li.
- (v) Repood. Supervisor ebwe iischi, affata alongal facto meta e tingor ebwe yoor post-accident testing. Repood yeel ebwe mwolomwol nge ebwe isis llo yaal employee medical file, otol iye rebwe le nesisitaay reel disciplinary action, otol yeel nge repood ebwe le file llo yaal employee official personnel folder.

(4) Random Testing. Lól eew calendar year nge employees kka yaar angaang nge safety-sensitive nge rebwe afaliir rebwe bwughi breath test reel alcohol me test il amiawor reel cocaine, marijuana, opiates, amphetamines, me phencyclidine. Testing nge rebwe féérú durantil angaang, except reel testing kka government e obwossu.

- (i) Mwoghutughutul Afil: Employees nge rebwe affil sangi eew statistically valid method reel random number table me ngare computer-based random number generator iye e wewe ngali yaal eschay employee social security number, payroll identification numbers, me bwal akkaw comparable identifying numbers.
- (ii) Fitimal rebwe tested. Esabw laap sangi ruweigh me limoow percent reer alonger employees kka rekke pomwoli angaang kka e safety-sensitive sangi eew department ngare agency rebwe bwughi test il breath alcohol me esabw laap sangi limeigh percent rebwe bwughi test il amiawor. Percentage iye a wel nge rebwe detetminali bweletal eew fiscal year reel eew me eew department ngare agency sani Office of the Personnel Management Alcohol me Drug Free Workplace Coordinator, me rebwe bwungu fengali me employer, me M.R.O mwuril ra takkal amweri yaal department me ngare agency prior testing rates, reasonable suspicion me post-accident events me referrals reel services.

(g) Bweibwoghul me Testing il Breath Specimens

- (1) Leliyal Bweibwogh. Breath specimen nge rebwe bwughi reel leli iye e apreba mereel Director of Personnel Management me igha e lo iye accidenti ngare eyoor pisegh me aramas rebwe féérú.
- (2) Collection Protocol. Malle schagh e train B.A.T. emwal ebwe bweibwogh breath specimens igha re apreba mereel United States Department of Transportation me e attabwey standard il collection protocols iye e affat llo 49 CFR, Part 40 (C) Mwoghutughutul Transportation Workplacce Drug Testing Programs-Alcohol Testing, ngare schaagh bwe re awora llo section yeel. Emwal rebwe tingorey M.R.O me consulting physician rebwe bwal alilis reel bweibwoghul specimen.

- (3) Confirming Test. Breath specimen nge ebwe ghomwal test reel alcohol. Ngare test e abwari bwe breath alcohol concentration nge 0.02 ngare a laap lló. Ebwe bwal yoor aruwoowal test reel ebwe confirm li aeewal test me ebwe ayoora quatitative data reel alcohol concentration. Esabw yoor alcohol test rebwe kkkonsiderali bwe positive ngare schaagh bwe screening me confirming test e abwari bwe B.A.C nge 0.02 me ngare e laapalló.
- (4) Resuta; Resutal breath test nge rebwe afanga reel B.A.T, nge ebwe mwolomwol ngali employee, yaal employer, me Director of Personnel Management.
- (5) Mwolomwol;lgha e affat weilang, esabw yoor aramas iye ebwal toolong llol testing process emwal ebwe isaliwow resutal breath test ngali inamo iye ngare bwe esoor written release mereel employee iyewe e tested.
- (6) Invalid Test. Ngare Direkktod il Personnel Management e detetminali bwe test nge invalid, e yááyá factors kka e llo llol 49 CPR, Part 40.79, resutal test ebwe negative.
- (7) Statistical Reporting.B.A.T. ebwe aschu fengali statistical data nge ese bwal name specific iye e related ngali testing results. B.A.T. ebwe ngaley Direkktood il Personnel Management ngare e tingor.

(h)Bweibwoghul me Testing il Amiaw

- (1) Leliyal Bweibwogh. Specimen il amiaw nge rebwe bwughi reel leli iye e apreba mereel government agency me igha Direkktood il Personnel Management e affili .
- (2)Collection Protocol. Specimen il amiaw nge rebwe bwughi mereel eschay aramas iye e train llol collection process iye re ayoora mereel Substance Abuse me Mental health Service Administration, United States Depratment of Health me Human Services iye e attabwey standard collection protocols iye e affat llol 49 CFR, Part 40(B), Mwoghutughutul reel Transportation Workplace Drug Testing Programs-Drug Testing, ngare rese ayoora llol section yeel.MR.O me consulting physician emwal rebwe alilis reel collection reel post –accident testing.
- (3)Splitting Sample
  - (i)Takkal yaar bwughi sample il amiawol employee we, rebwe ghilitiw llol ruwoow specimen. I me ruwoow specimen rebwe afangal'o reel laboratory iye re afaali mereel government.
  - (ii)Eew specimen nge primary specimen, iyel mille yaal government rebwe test li, aruwoowal nge secondary specimen, rebwe ngaley employee ngare ebwal muschel rebwe bwal test li.
- (4) Conforming Test; Primary urine specimen nge ebwe ghomwal screen test. Ngare bwe screening test e bwa bwe eyoor akkaw drugs , ebwe bwal yoor aruwoowal testing reel ebwe abwari ngare eyoor eew tapelal drug me metabolite, rebwe yááyá gas chromatography/mass spectrometry (GC/MS)test. Essor drug test rebwe kkkonsiderali bwe positive ngare bwe rese yááyá I me ruwoow tapelal screening test nge e bwa bwe eyoor eew me ngare essogh tapelal drug ila retest li.
- (5) Resutal:Laboratory iye e fééri urine test nge ebwe ngaley resutal test ngali M.R.O. M.R.O. ebwe angaliy meta test results ngali aramas we e tested.
- (6) Invalid Test. Ngare M.R.O e mangi bwe e invalid test, kkondidoto we ebwe bwal isisilong bwal eew urine specimen reel rebwe test li.
- (7) Employee Test.Ngare government test ebwari bwe e positive reel eew tapelal drug me ngare drugs, emwal employee ebwe bwal tingorey M.R.O bwe ebwe bwal ayora

aruwooyal test reel eew bwal laboratory iye e certified mereel United States Department of health and Human Services reel drug ngare drugs kka re schungi llo primary specimen.

- (i) employee emwal ebwe tingor llo iisch llo 72 ora mwuril yaal risibi li resutal yaal government test.
- (ii) Resutal aruwooyal test nge rebwe ngaley M.R.O reel ebwe titilap ngali employee we.
- (iii) Employee ebwe obwossu aruwooyal test.

(8)Eew awewe reel resutal test kka e positive

(i)Mgare M.R.O a takkal bwughi resutal test kka e positive, ebwe detetminali ngar ebwal yoor eew medical aweewe reel resuta kkal e toolong safey kka employee e yayay. Rebwe detetminali sangi information kka rebwughi mereel employee me yaal medical history me records. Ngare M.R.O e detetminali be e nesisitay akkaw pertinent analytical records mereel laboratory e bwe require li re-analysis il specimen.

(ii)M.R.O ebwe repooda li urine test results bwe negative me ebwe le mwutch ngare e detetminali bwe

- (A) Eyoor rasoon mereel medical meta e positive test results nge saabw reel igha ekke yááyá drug.
- (B) Sangi laboratory inspection reports, quality assurance me quality control dta. Me akkaw drug test results. Test result we e positive nge scientifically insufficient reel rebwe maas angaang wool.

(9)Illegal Use of Opium: Ngare GC/MS ese confirm li bwe eyoor 6 monoacetylmorphine, M.R.O ebwe detetminali ngare eyoor clinical evidence me bwal urine test reel alongal yayayl illegal drug opium, opiate me opium derivative.

(10)Repood ngali Government. M.R.O ebwe bwughi report reel alongal test il amiaw kka e positive ngare negative nge ebwe mwolomwol nga a ngaley yaal employee employer me Direkktod il Personnel Management.

(11)M.R.O. me meta e Mwolomwol. Igha e affat weiling, M.R.O ese mwal ebwe isisiwow resutal drug test ngali inamwo iyo ngare esoor written release mereel employee we e tested.

(12)Statistical Reporting. M.r.O ebwe bwughi alongal statistical data ese bwal name specific, related ngali testing me rehabilitation. M.R.O ebwe ngaley statistical data ngali Direkktodil Personnel Management ngare e tingor.

(i) Employee Awareness me Rehabilitation

(1)Employee Awareness Training: Alonger employees rebwe bwughi arong reel meta ngawal me murmuril drug me alcohol ngali ileghimw, safety, mee leliyal angaang. Fééfér me mwoghutughut nge eabwari bwe eyoor yááyál drug me alcohol; me ebwal yoor resources kka emwl employee ebwe yááya' reel ebwe evaluate me resolve problemal yááyál illegal me legal drugs me alcohol.

(2)Employees kka re ghut alilis wool yaar. Government employees nge emwal rebwe ghut alilis reel alcohol me drug inamwo ilet mwal yaal rebwe angeliir rebwe tested faal reasonable suspicion, post-accident me random testing procedures.

- (i) Referral. Emwal employees rebwe tingor rebwe afangar lo reel eschay S.A.P reel treatment. Emwal rebwe bwusil refer liir ngare supervisor ngare peighil performance counseling. Referral nge ebwe peighil yaal medical file and esabw peighil yaal employee personnel folder. Referrals nge ebwe féér llól mwólómwól.
- (ii) Voluntary referrals. Employees kka a re boluntariyo rebwe ghut alilis reel problemal drug me alcohol, mwal ebwe angaawa yaar angaang, rebwe ngalir leave benefits reel

meta treatment re rekkomendali, e wewe schaagh igha rebwal ayoora ngali akkaw sumay.

- (iii) Accountability reel mwoghutughutul Angaang. Inamwo ngare re toolong llool me ngare referrals, employees rebwe accountable reel pomwor le angaang. Esóór igha ngare ffééfer ngaw llool tarabwagho rebwe waive li disciplinary action ngali employee kka re tingor alilis me referral. Ngare schaagh bwe tingor we nge rebwe kkkonsiderali bwe eew mitigating factor reel rebwe detetminali bwe e ffil ngali discipline.

(3) Job Security Maintained. Yaal angaang eschay employee me ngare opotunidód ebwe sasar esabw jeopardized bwele igha e tingor ebwe refer ngali drug me alcohol treatment.

(4) Dokkomento kka e nesisitay. Ngare mwo voluntary referrals me ngare referrals e féér mwal testing e mwolomwol .dokkomentol iye ebwe bwari ngawal yoomw angaang me disciplinary action sangi drug me alcohol abuse nge ebwe toolongllól yaal employee official personnel folder.

- (j) Arongawow arong reel allégh

(1) Isisiwow ngalir employees. Alongeer employees rebwe bwughi yaar kkopial allegh llool section yeel llool eliigh raal mwal ralil ebwe féérú. Employees kka re féé mwuril ralil we e bwungulo allegh rebwe ngaler kkopial allegh yeel llool section yeel igha re hire liir. Eschay employee ebwe fitma li eew scheel iye re ayoora wow mereel Director of Personnel Management reel ebwe bwari bwe rebwughi kkopial allegh kkal me employee eghuley bwe ree bound ngali reel policy yeel. Acknowledgment yeel nge ebwe isis llool yaal employee official personnel folder.

(2) Posting. Allégh kkal llool section yeel ebwe apasch llool alongal leliyal angaang llool government llool úghúghul oleigh raal mwuril igha ra implement li.

- (kl) Record Retention me Reporting Requirements

(1) Administrative Records. Rekkoodil administration il policy llool section yeel, e toolong allegh me program development, employee awareness, training, supervisory training, collection site training, program administration me calibration documentation, nge ebwe isis reel Director of Personnel Management me M.R.O llool úghúghul limwoow ráágh

(2) Records Relating to Collection Process. Rekkoodil breath me amiaw nge Director of Personnel Management me M.R.O me specimen collector rebwe isiali me collection site llool ruwoow raagh.

(3) Refusals, Referrals me Test Results. Director of Personnel Management ebwe isiali alongal kkopial rekkoodil igha rese mwuschel rebwe tested, resutal test il breath me amiaw, referrals ngali S.A.P, llól yaal employee medical file, saabw llool yaal employee official personnel folder, ótol ngare a taakk disciplinary action. M.R.O ebwe amwuschi eew kkopial alongal resutal amiaw me B.A.T ebwe amwuschu alongal resutal test il breath nge ebwe mwólómwól. Esabw yoor resutal test emwal rebw yááyá reel criminal prosecution ngare ese mwúmwúta mereel employee we.

(i) Rekkoodil alongal Positive test, ngare ese mwuschel ebwe tested me referrals ngali eschay S.A.P ebwe isis llool limwoow ráágh

(ii) Rekkoodil negative test results kka e arap to schaagh nge ebwe isis llool eew ráágh.

(4) Repood ngali Federal Contract Agency. Reel rebwe atabwey alléghul Drug Free Workplace Act llool 1988, 41 S.S.C.701(a)(1)(E), Direkktoodil Personnel Management ebwe aghuley ngalir federal contracting agency reel conviction il eschay employee reel igha e akkaméló, féér me dispensing il illegal drug llól government business property, mge ngare durantil oral angaang, llool 10 ráál mwuril conviction.

**COMMONWEALTH GI SANGKATTAN NA ISLAN MARIANAS SIHA  
UFISINAN I KUMISION CIVIL SERVICE**

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SAIPAN, MP 96950  
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**NUTISIAN KUMISION CIVIL SERVICE PUT I MANMANPROPONI NI EXCEPTED NA  
REGULASION SIHA GI SERVICE PERSONNEL**

**I AKSION NI MA'INTENSIONA PARA U MA'ADAPTA ESTI I MANMAPROPONI NA REGULASION SIHA:** I Kumision Civil Service ha intensiona para u adapta kumu petmanienti na regulasion siha ni mañechettun i manmapropo ni na regulasion siha, sigun gi manera siha gi Aktun Administrative Procedure, 1 CMC § 9104(a). I regulasion siha para u ifektibu gi halum dies(10) dihas dispues i makumpli i 1 CMC §§ 9102 yan i 9104(a) (1 CMC §9105(b)) kumu ma'amenda.

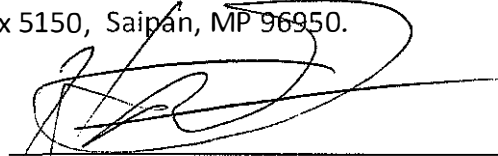
**ÁTURIDÁT:** I Kumision Civil Service gai áturidát estatua para u cho'gui yan u huyung i regulasion personnel siha sigun i 1 CMC §8117, kumu ma'amenda ni ginin i Lai Publiku 17-80.

**I TEMA YAN I SUSTANSIAN I PALÁBRA SIHA:** I Kumision Civil Service debi na u adapta petmanienti Fuera i Regulasion Service Personnel siha para u tahgui i emergency na regulasion siha ni mapo'lu yan manota gi Ineru 29, 2013, ni mambáli para sientu benti(120)dihas. I emergency na regulasion siha manma'otdena gi halum ineppi gi Lai Publiku 17-80, ni ma'apela gi Kodigun Administrative Notti Marianas Titulu 10, Kapitulu 10-10, Fuera i Regulasion Service Personnel Siha yan Titulu 120, Kapitulu 120-10, Fuera i Regulasion Service Personnel Siha.

**I SUHETU NI MASUMÁRIA YAN ASUNTU NI TINEKKA:** Esti i regulasion siha para u pribeniyi full range of personnel administration para i sitbisiun gubietnu gi emple'áo siha ni manfuera ginin i Sistemán Commonwealth Civil Service, sigun i 1 CMC §8131(a) kumu ma'amenda ginin i Lai Publiku 17-80.


**DIREKSION PARA U MAPO'LU YAN MAPUPUBLIKASION:** I Kumision Civil Service mamamaisin upiñon siha sigun gi esti i manmapropo ni na regulasion siha ni debi na u marisibi ni Kumision gi halum i trenta(30)dihas gi primet na publikasion esti na nutisia gi halum i Rehistran Commonwealth. Maseha háyi na petsona siha siña manggâgâo kopia gi manmapropo ni na regulasion siha ni para u ágang i Kumision Civil Service gi 322-4363, pat e-mail i Sekretária as Kadianne Sablan gi [kfsablan@gmail.com](mailto:kfsablan@gmail.com), pat na hâhalum i tinigi' upiñon pat na'hânão guatu gi Kumision Civil Service, giya Capitol Hill Numirun Guma' 1211, P. O. Box 5150, Saipan, MP 96950.

Nina'hålum as:

  
Herman R. DLGuerrero  
Kabiseyu, Kumision Civil Service


  
Fetcha

Rinisibi as:

  
ESTHER S. FLEMING  
Ispisiât Na Ayudânti Para I Atministrasion


6/28/13  
Fetcha

Pine'lu Yan Ninota as:

  
ESTHER M. SAN NICOLAS  
Rehistran Commonwealth

6-28-13  
Fetcha

Sigun i 1 CMC § 2153(e) ( Inapruedan Abugâdu Henerât ni regulasion siha na para u macho'gui kumu fotma) yan 1 CMC § 9104(a) (3) (hentan inapruedan Abugâdu Henerât) i manmaproponi na regulasion siha ni mañechettun guini ni manmarebisa yan manma'aprueda kumu fotma yan sufisienti ligât ginin i CNMI Abugâdu Henerât yan debi na u mapupblika, 1 CMC § 2153(f) (pupplikasion areklamentu yan regulasion siha).

  
Joey P. San Nicolas  
Abugâdu Henerât

6/28/13  
Fetcha

## TITULU 10 Kumision Civil Service

### KAPITULU 10-10 MANA'FUERA I REGULASION SERVICE PERSONNEL

#### Påtti 001 - Prubension Heneråt Siha

##### § 10-10-001 Heneråt

(a) Esti na kapitulu ha pribeniyi i regulasion siha para u apunta, u ta'lun umasikna pat transferi, promote pat demote, pat solu u tulaika i estão gi, yan para u na'suha ginin i sitbision emple'ão gubietnamentu siha ni fuera ginin i Sisteman Commonwealth Civil Service sigun i 1 CMC § 8131 (a). Esti na kapitulu lokkui' ha pribeniyi i full range gi personnel administration para i sitbision personnel ni ma'emplea gi papa' i fuera na sitbisiu.

(b) I Lai Pupbliku 17-80, ma'otdena gi Agostu 31, 2012, ya mapega gi Ufisinan i Personnel Management gi halum i Kumision Civil Service. I Lai Pupbliku 17-80 ha nã'i i Kumision Civil Service ni åturidåt para u cho'gui i areklamentu yan regulasion siha para u regulate personnel matters, ingklusu para i pusion siha anai i civil service na estão ti mahagu'. 1 CMC § 8117(j). Sigun gi esti na åturidåt, i Kumision Civil Service ha cho'gui i sigienti Mana'fuera na Regulasion Service Personnel siha, para u ma'atministra ginin i Ufisinan i Personnel Management gi papa' i 1 CMC §8124(b).

##### § 10-10-005 Aplikåpblidåt

- (a) I regulasion siha guini na kapitulu debi na u inaplika i employment of personnel gi todou mana'fuera na pusion sitbisiu siha gi halum i gubietnamentun Commonwealth. Låo, tåya' nui esti na regulasion siha debi na u ma-construed para u aplika i apas compensation yan benifisiu siha, tetminasion pat sitbisiun i ma'ilih na ufisiålis siha, i kabesan dipattamentun råmas eksakatibu siha, kabesa siha gi resident department, miembrun i kuetpu siha, kumision siha yan konsiliu siha, pat ottru na inapuntan gubietnu siha. Esti na regulasion siha ti inaplika para i administrative staff gi Judicial yan Legislative na Råmas gubietnamentu. Ahensia siha gi halum i råmas eksakatibu siña ma'-exempted ginin esti na regulasion siha yanggin i ahensia ha ispisifikåtmenti ma'åturisa ginin i lai para u atministra yan u regulate i iyon-ña personnel system. I råmas eksakatibu ha ingklusu i resident department, ufisina siha, yan ahensia siha gi halum i Primet yan Sigundu na Distritun Senadot siha såsåonåo i Ufisinan Mayot siha yan Kunsiliun Munispåt siha. Esti na regulasion siha ti manaplikåppli para maseha månu na ahensia pat aktibidåt ispisifikåtmenti ma'åturisa ni lai para u estapblesi i areklamentu yan regulasion-ña siha.
- (b) Esti na regulasion siha ti manaplikåpbi para maseha månu na ahensia pat aktibidåt ispisifikåtmenti ma'åturisa ginin i lai para u estapblesi i areklamentu yan regulasion personnel siha, solu i ahensia ha atyik para u abide ni esti na regulasion siha.

- (c) Ti intension i regulasion siha gi halum esti na kapitulu para u cho'gui hãfa na ligåt ni priniteha i intires siha gi halum i excepted service employment right pat binifisiu ni ti explicitly masãngan gi halum esti na regulasion siha pat i kuntrãtan inemple'a. Todu excepted service employment siña ma-terminate gi minalagu' i emple'ão yan/pat employer sigun gi tema siha gi kuntrãta yan esti na regulasion siha.
- (d) I manma'ilihi na ufisiãlis pupbliku siha, mangkabesan dipattamentu siha, ingklusu i mangkabesan resident department, ottru constitutional pat statutory gubernatorial pat inapuntan mayot siha, yan indibiyuãt siha gi independent service contracts pat ottru contracts ni macho'gui ginin i sisteman procurement ni ti excepted service employees. I manma'apunta na miembrun i kuetpu siha yan kumisions siha ni ti manmiembru gi excepted service.

#### **§ 10-10-010 Hinagai**

I regulasion siha gi halum esti na subchapter ha estapblesi regulatory direction para manemple'a, compensating, mampribeninyi emple'ao benifisiu siha yan inafefekta ottru personnel actions para i emple'ão sitbisiu siha. Esti na regulasion siha debi na u ma-construed yan inaplika ni para u promote i sigienti na underlying na hinangai yan areklu siha:

- (a) Simplify, clarify, yan modernized i excepted service employment na areklu siha yan prinaktika siha gi gubietnamentun Commonwealth.
- (b) U ma'estapblesi kinensisti gi excepted service employment na areklu siha yan prinaktika siha gi halum i pumalu na dipattamentu, ufisina, ahensia yan aktibidãt siha gi gubietnamentun commonwealth.
- (c) U mafa'tinas inãomenta ni kunfidensian pupbliku gi halum i manera siha ni tinattitiyi hãlum excepted service employment.
- (d) U na'siguru i fair yan equitable na trãtamentu gi emple'ão siha gi halum i Excepted Service Personnel System.
- (e) U pribeniyi safeguards para i maintenance gi excepted service personnel system gi kuãlidãt yan integrity.

#### **§ 10-10-015 Difinision Siha**

Para i hinangai siha guini na subchapter, i sigienti na tema siha debi na u madifina kumu i sigienti siha:

- (a) Dipendenti Siha: Asagua, menus di idãt na famagu'on, ti mana'asagua yan menus di 21 na idãt, physically pat mentally na disabilidãt na famagu'on ni ti man-incapable para u masupottan maisa siha, maskiseha hãfa na idãt, wholly dependent na mañainan i emple'ão pat asagua, pat menus na idãt famagu'on ginin i ma'pus na kasamientu,



ti mana'asagua yan menus di 21 na idât, para hâyi na emple'âo pat asagua ni gai legal custody. Famagu'on ginin i ma'pus na kasamientu ni man-primarily domiciled ginin i otdin i kotti halum ottru ki employee's household ni manmakunsidera na dipendenti siha.

- (b) Emple'âo: Kumu ma'usa gi halum esti na subchapter, i excepted service employee.
- (c) Employer: Maseha mânu na râmas eksakatibu ni gai âturidât para u fanemple'a; i ufisiâlis manemple'a.
- (d) Kuntrâtan Excepted Service: Kuntrâtan manemple'a mana'hålum ni emple'âo yan i âmu para i tema ni ti inipus dos(2) âñus, sinuhetu ni yanggin guaha fondu siha, budgeted FTEs yan maseha hâfa na minidin estatua siha.
- (e) Excepted Service Employee: I makuntrâta na emple'âo ni ha gogo'ti pusion ni exempted ginin i Sistemam civil Service, sigun gi lain siha giya Commonwealth.
- (f) Excepted Service Employment: Kuntrâtan employment para i pusion ni ma-exempted ginin i Sistemam Civil Service, sigun gi lain siha giya Commonwealth.
- (g) FTE: Full-time na emple'âo.
- (h) Willful Abandonment: Yanggin i excepted service employee ti mâttu sin ma'âturisa na leave dumanña' todudies(10) dihas sin bâli na rason gi durântin dossi mesis na tiempu.
- (i) Rason Tinetmina: Rason para i tinetmina ântis di ottimun i teman kuntrâta siña kâsi gi maseha hâfa na rason gi sigienti siha:
  - (1) Failure pat inability para u perform competently
  - (2) Willful misconduct
  - (3) Willful abandonment gi che'chu'
  - (4) Substantial pat rinipitin kinentran i lai, pat gi esti na subchapter, pat areklamentu pat otdin siha gi dipattamentu pat ahensia siha
  - (5) Willful failure pat inability para i plânu, minaneha, pat ibaluan emple'âo pat unit performance gi timely pat gi effective manner
  - (6) Conviction of felony pat ottru na kriminât ni sâsâonâo moral turpitude
  - (7) Ottru minâolik na cause ni gai adversely affects i abilidad emple'âo para u perform i che'chu' pat atyu siña guaha na adverse effect gi dipattamentu pat ahensia yanggin makuntinuha i employment.

## Påtti 100 - Staffing yan Atministrasion

### § 10-10-101 Recruitment yan Maneran Sileksion Siha

- (a) I åmu ni manaliligåo para u fill i pusion ni bakånti debi na u initiate mamaisin personnel action (RFPA) para i recruitment. Gigun i certication gi gumuahan fondu siha ginin i Dipattamentun Fainasiåt yan gumuaha FTE ginin i Ufisinan Management yan Budget, i Direktot i Personnel siempri ha åturisa i anunsiun bakånti para u initiate manaliligåo kuålifikao yan aplikåo na petsona. I tema siha para i pusion debi na sigun gi diniskribin i pusion. I recruitment yan sileksion process para u matattiyi i manera siha ni ma'estapblesi ginin i Direktot Personnel.
- (b) I existing na pusion ma-deemed para i bakånti gigun i expiration i prisenti pat u ottimu na kuntråtan employment. I pusion siña ma'anunsia sienta(60)dihis åntis di ottimun prisenti na kuntråtan employment yanggin i intension ti para u marinueba i prisenti na emple'åo.
- (c) Tåya' dinimånda para i employer ni para u rinueba i excepted service employment. Yanggin i employer ha ilihi para u rinueba i kuntråtan employment gi excepted service employee, i employer siña ha faisin i Direktot i Personnel para u waive i anunsiun pusion, solu i prisenti na emple'åo ti non-resident employee yan madimånda i anunsiu ni Åktun Nonresident Workers, kumu ma'amenda.
- (d) Nuebu na ma'estapblesi pat sino i ti manma'ukupa i pusion ni manma'anunsia. Solu, maseha taimanu, yanggin nisisåriu para i prubension i essential services, kumu ma-justified ni employer ni finitman i Gubietnu, i Direktot i Personnel siña ma-waive i dinimåndan i anunsiun bakånti para i sileksion i kandidåtu para håfa na pusion gi halum i excepted service. Maseha taimanu, i åntis di u ma-waive i anunsiun bakånti, i Direktot i Personnel debi na u dimånda i settifikasion i guinahan fondu siha ginin i Sekretåriu Fainansiåt yan i guinahan FTE ginin i Ufisinan i Management yan Budget para i pusion ni para u ma'ukupa. Tåt waivers ti siña ma-granted ni para i non-resident workers, kumu ki kada Åktun Nonresident Workers, kumu ma'amenda.
- (e) Deputy secretaries, special assistants yan executive secretaries para i mantakhilu' gi prisipåt i råmas dipattamentun eksakatibu siha, ungraded gi ufisina pat ahensia siha, yan i special assistants yan executive secretaries para i mantakhilu' gi kumision siha, kuetpu, konsiliu, korporasion gubietnamentu siha yan autonomous na ahensia siha siña manma'emple'a sin anunsiu. Esti na ti manma'anunsia na emple'åo debi na u fanafakcha' i risonåpbli na minimum na kualifikasion ni madimånda ginin i hiring authority yan u ma'aprueba ginin i Direktot i Personnel, yanggin i dinimånda esta ti ma'estapblesi ginin i estatua pat i regulasion.
- (f) Gigun i sileksion i aplikånti i employer para u na'hålum i ginagåo para i personnel action. I ma'atyik na kandidåtu ti u ma'åturisa na para u tutuhun macho'chu' estaki i action yan i kuntråta ma-fully routed yan ma'aprueba, i marisibi ni negative report para i pre-employment drug test, todou ottru na dinimånda siha ni manafakcha' yan i Direktot i Personnel ha fa'tinas payroll certification na i emple'åo ma'emple'a sigun gi i relevant na estatua yan regulasion siha.

### **§ 10-10-102 “Ispisiât yan Uniku” Pusion Siha gi Excepted Service**

(a) “Ispisiât yan Uniku” na pusion siha para Excepted Service, ma’aturisa ni Lai Pupbliku 18-05 yan masita gi halum i 1 CMC § 8131(a)(13), atyu siha i manmasettika na Appointing Authority yan Direktot Personnel mangkunfitma na i sitbisiu ni para u macho’gui ispisiât yan uniku yan impottânti para i intires pupbliku sa’ put i level of expertise pat madimânda ispisiât na tiningu’ yan impottânti naturât gi manmaaprueba na sitbisiu siha. Gi henerât esti na exemptions ginin i Civil Service ni para u mana’rektu para atyu siha na pusion:

- (1) ti manmalista gi ma’aprueba na listan Civil Service Master List gi Maklasifika na Pusion siha;
- (2) ti gef easily pat readily guaha kontra i local recruitment; yan
- (3) maseha madimânda i bachelor’s degree level of education pat higher, madimânda highly technical skills ti nisisâriu u chuli’ kontra higher education; pat madimânda U.S. pat CNMI licensure pat settifikasion.

(b) I Direktot Personnel para u fa’tinas ottimu na detimnasion gi pusion excepted service status gi papa’ esti i exemption ni machuli’ kunsiderasion intires pupbliku.

### **§ 10-10-105 Nepotism**

Ti debi na u guaha minidi para i numirun miembu siha gi parehu na household ni siña ma’emple’a gi papa’ ottru na excepted service appointments, provided:

- (a) Tâya’ miembu gi parehu na household siña ha supervise i ottru.
- (b) Todu ottru na kualifikasion siha u fanafakcha’ gi employment.
- (c) Tâya’ gâstu siha, mâski ottru na suetdu yan benifisiun employment kumu mapribeniya ni regulasion, debi u accrue gi gubietnamentu kumu risutta gi manempleple’a petsona siha ginin i household ni sumâsaga ottru emple’âo.

### **§ 10-10-110 Fetchan Ifektibu Siha**

- (a) Fetchan Tinituhun Inemple’a. Employment para todus excepted service employees, maski seha sumâsaga gi halum pat gi hiyung i Commonwealth gi tiempun anai ma’emple’a, debi na u ifektibu gi primet diha i emple’âo na u ritpot gi che’chu’. Expatriation travel time gi hiyung i employment period yan ti u ma-compensated.
- (b) Kinumplin Kuntrâta. I kinumplin i tema gi employment debi na ifektibu gi uttimu na ha’âni gi teman i kuntrâtan inemple’a.
- (c) Tâftaf na Tetminasion. Gi tâftaf na tetminasion inemple’a, gai pat tâya’ rason, debi na ifektibu gi fetchan gi anai mamensiona i tetminasion gi kattan tetminasion. Repatriation travel time gi hiyung i tiempun inemple’a yan ti u ma-compensated.

#### § 10-10-115 Duty Station yan Assignment Cho'chu'

- (a) Duty Station manmadifina kumu Saipan, Rota, Tinian, i Sangkattan na Isla Siha, pat kumu ma'-assigned.
- (b) I emple'ão ni ma'emple'a para i ispisifiku na pusion yan assigned para i ispisifiku na duty station kumu ma'aidentifika gi halum i kuntratan inemple'a. Lão, i kinensientin i emple'ão siha, i emple'ão siña ma'-assigned para ottru ni uma'achuli' na pusion inemple'a yan para ottru duty station, sigun gi nisisidãt gi gubietnamentu.
- (c) Yanggin trinansferin inemple'a yan duty station sãsonão i petmanienti na move para i tiempu gi ti u inipus mãs ki sais mesis para ottu na isla, i emple'ão debi na u entitled ni transpottasion para guiya yan i iyon-ña dependents, yanggin hãfa, yan i shipment i household effects, ti u inipus mãs ki mit kinientus(1,500) libra para i single status na emple'ão pat tres mit(3,000) libra para i emple'ão yan i iyon-ña dependents. Esti na binifisiu gumuaha yanggin siakãsu mãnu na trinansferi ni initiated i gubietnamentu.
- (d) I tempurãriu na assignments para ottru na duty station para i periods ni ti mãs ki u matattiyi dies(10) dihas gi ha'ãnin cho'chu' ti madimãnda i inaprueban emple'ão, yanggin i assignment ha dimãnda na nisisãriu gi nisisidãt i gubietnamentu.

#### § 10-10-120 Compensation yan Siniñãlan Cho'chu' Siha

- (a) I suetdu para u masuhetu guatu gi budget appropriations yan u ma'-expressed gi teman i gross amount ni para u ma'apãsi gi durãntin i dossi(12) mesis gi tiempu gi sakkan, yan para kada gi bentsais(26) na bi-weekly pay periods.
- (b) Periods of compensable time debi na u ingklusu i ora ni macho'chu' gi durãntin i assigned na siniñãlan cho'chu', overtime para i overtime-eligible na emple'ão siha, legal holidays, yan ma'aprueba na annual, sick, administrative yan ottru na leaves, kumu madifina guini. Periods gi absence without leave (AWOL) yan leave without pay (LWOP) ti u ma-compensated yan u masuhetu para i apropositu na timekeeping yan administrative action.
- (c) I standard government na simãnan cho'chu' sa' Lunis asta Betnis ni i standard na oran cho'chu' ginin alas sietti imedia( 7:30) gi ega'an asta alas kuãttru imedia(4:30) gi pupuengi. I emple'ão gai ispisifiku na ha'ãnin cho'chu' yan simãnan cho'chu' ya siña dumifirensião ginin i standard yan i simãnan cho'chu' gi petmanienti na manera, pat vary from time to time, sigun gi nisisidãt i gubietnamentu. Kada inãnimu debi na u fa'tinas para u maintain i reasonable singku(5) dihas, kuarenta oras na siniñãlan cho'chu', lão i masiñãla masuhetu para i variation, para u ingklusu i madimãnda na overtime para i overtime-eligible na emple'ão siha, extra hours para i overtime-exempt na emple'ão siha, shifts gi differing duration yan broken periods of duty, sigun gi nisisidãt i gubietnamentu.

(d) Todu emple'ão siha mangkinubri ni i Åktun Federal Fair Labor Standards(FLSA). Gi papa' i FLSA, i Commonwealth ha kunsidera na para u single employer. Emple'ão siha ti siña ma-waive i dretchun-ñiha gi papa' i FLSA. I emple'ão u madisikan ni Direktot i Personnel kumu overtime eligible pat overtime-exempt sigun na gipun i obligasion siha manmacho'gui yan gi sigun i federal FLSA. Tåtkumu i madisikna na eksakatibu, administrative yan professional employees ni exempt ginin, yan ti debi na u ma'apási, åpas overtime. Esti na tema siha manggai fundamentu ni manã'i siha gi halum i federal na Åktun i Fair Labor Standards. I overtime eligibility na estão para i emple'ão masãngan gi halum i excepted service contract.

(e) Overtime para overtime-eligible na emple'ão siha debi na u ma'aprueba gi sigun i manera ni ma'estapblesi ni i dipattamentu pat aktibidåt. I employer debi na u estapblesi areklu para u address i administrative actions para i ti ma'aturisa na overtime work. Lão, prohibision i ti ma'aturisa na overtime ti ha relieve i employer gi i dinimãnda para u apási i ora ni megahit na macho'chu'. Overtime atyu na ora i non-exempt na emple'ão ni ma'otdin pat mapetmiti para u fa'cho'chu' ni u inipus kuarenta(40) oras gi durãntin i standard work week (40 oras gi manattitiyi sietti dihas).

Employers siña ma'aplika difirentis work periods para i health care employees, pat difirentis na work periods yan overtime threshold para i law enforcement yan i fire employees, kumu mapetmiti ni lain federåt. Tåtkumu overtime hours ma'apási gi 1.5 times i regulåt na åpas, kumu madifina gi halum i åktun fair Labor Standards.

(f) Compensatory time-off siña ma'usa para u ma-replace monetary na åpas para i overtime-eligible na emple'ão siha, gi dispusion i employer. Gi manera siha i replacement siempri gi i rate of one yan one-half hours gi compensatory time-off para kada un na'ora gi overtime worked. I inakseptan i emple'ão gi excepted service employment ha serves kumu kuntrãta para u risibi i compensatory time-off in lieu ni para uma'apãsu overtime. I employer siña ha dimãnda i emple'ão para u usa i compensatory time-off ni atyu i magãna, enlugåt ki u masesedi i excessively accumulate pat ma'apãpasi kumu overtime. Mata'lun masãngan, esti kumeke'ilekña na i employer siña ha siñãla compensatory time-off periods yan ha dimãnda i emple'ão para u chuli' i time-off. Esti ti ha pibi i emple'ão ginin lokkui' sumiñãla i time off gi ora anai ha a'atyik tåtkumu inapreueba i finaisin ni ti unduly disrupt i operasion i gubietnamentu siha.

(g) I Direktot i Personnel siña ha aprueba i compensatory time pat extra na åpas para i overtime-exempt gi emple'ão gi rekomendasion i employer, gi exceptional situations. Tåtkumu i sichuasion siha para u makunsidera i exception, ti areklu, yan para u minidi ni para u diklãra emergencies yan extraordinary na dinimãndan cho'chu' siha. Tåtkumu i manera siha i compensatory time-off pat extra na åpas para u one-to-one regular base pay basis.

## **Påtti 200- Benifisiu Siha Para Emple'ão**

### **§ 10-10-201 Expatriation yan Repatriation**

Expatriation yan repatriation na benifisiu siha atyu ha' mapribeniyi ni para i excepted service employees ni ma-hired ginin hiyung i Commonwealth pat excepted service employees ni ma-hired gi halum i Commonwealth ya matransferi para ottru na post gi hiyung i Commonwealth. Benifisiu siha ti u ma-duplicated gi sichuasion siha anai parehu i asagua ni ma'emple'a ni gubietnu, maskiseha i employing entity. I gubietnu ti ha pribeniyi maseha hãfa na insurance coverage para i periods i expatriation pat repatriation travel yan ha assumes ni tãya' liability para iridão pat malingu pat mayamak kosas propiedãt.

- (a) Expatriation. Travel yan transpottasion na gãstu siha debi na u inapãsi ni employer kumu i sigienti siha:
- (1) Coach pat tourist class na transpottasion airi na gãstu siha ni direct route para i emple'ão yan i dependents ginin i point of recruitment asta para i CNMI.
  - (2) Tãya' suetdu para u ma'apãsi gi durãntin i timpun travel.
  - (3) Gigun mãttu i dinimãnda ginin i employer yan inaprueban i Direktot i Personnel, i shipment i household goods yan personal effects siña ma'aturisa para i pusision siha na u makunsidera na mapput ma-fill. Esti na aturisasion debi na u minidi para i sigienti:
    - (i) I employer debi na u apãsi i gãstun i unu na shipment gi batku para i household goods yan personal effects, ti u inipus tres mit(3,000) libra para i emple'ão ni gai dependents, pat mit kinientus(1,500) libra para i emple'ão ni tai dependents, ginin i anai makonni' i emple'ão asta i iyon-ña duty station.
    - (ii) I employer ti responsãpbli para hãfa na gãstu ni inipus i ma'aturisa na benifisiu pat mãs na personal shipments macho'gui ni emple'ão.
    - (iii) I shipment debi na u originate gi halum i seis(6)mesis gi fetchan i entry gi duty, solu ginin i Direktot i Personnel for just cause. Siakãsu i tempurãriu na storage i household goods yan personal effects ma'intensiona para i shipment guatu gi duty station ni nisisãriu gi point of recruitment dispues ni ma-pick-up ni carrier yan åntis di u hãnão gi batku, i gubietnu para u apãsi i gãstu tãtkumu tempurãriu na storage.
    - (iv) Atyu ha' na kosas siha siña ma-shipped ni ti manmapribi ni lain Commonwealth pat lain Federãt pat ni regulasion siha. I household goods yan personal effects manmadifina kumu propiedãt personal ni emple'ão yan familiã-ña gi oran i shipment ni siña matranspotta ligãt in interstate commerce. I tema siña ha ingklusu i household furnishings, equipment yan appliances, clothing yan ottru personal pat household items. Ti ha ingklusu i tumobit siha, boti, motorcycles, hãfa ottru na vehicle pat trailer, pat hãfa na pet pat gã'ga'. Ti ha ingklusu lokkui' i propiedãt ni para u mabendi pat para u mayuti, para usu gi kinundukta bisnis pat ottru commercial enterprise, pat para hãfa na hinangai ottru ki i direct use ni emple'ão yan i familiã-ña.

- (v) I emple'áo ma'su'un na para u self-pack yan u na'hånáo iyon-ña household effects ginin i United States Postal Service(USPS) ni first class mail. Yanggin esti na option ma'atyik, tåya shipment båtku para u ma'aturisa. Todu minidi yan restrictions gi shipment båtku sino inaplika. I emple'áo ma'abisa na i USPS na risibu siha ni a'annuk i libra yan i gåstu kada paketi debi na u mapribeniyi para reimbursement.
- (vi) I employer debi na u reimburse hulu' asta tres sientus(\$300.00)pesus para i air shipment (USPS) pat i accompanied baggage para i emple'áo ni accompanying dependents, yan hulu' asta i sientu singkueta(\$150.00) pesus para i emple'áo sin accompanying dependents, gigun i presentasion i risibu siha. Yanggin i emple'áo ha self-packs yan ha na'hånáo i main shipment kontra i USPS, esti na kantidå para u mana'danña' guatu gi tres mit(3000) pat mit kinientus(1500) libra ni ottimu.
- (vii) I employer ti responsåpbli ni para i gåstun insurance pat håfa mayamak pat malingu gi ma-shipped na kosas siha, maskiseha matranspotta ni batku pat i USPS.

(b) Repatriation. Gigun i kinumplidun i ma'kumfotmi na sitbisiu gi papa' esti na kuntråta pat håfa u matattiyi gi excepted service contract ni humålum dispues di empas esti na kuntråta, i gubietnamentu debi na u apåsi i benifisiu siha huyung gi sanhilu' gi halum i subsection (a) yan i sigienti na kundision siha:

- (1) I employer para u pribeniyi one-way coach-class ticket guatu gi månu i recruitment para i emple'áo yan kada ma'aturisa na dependent. Emple'áo siha siña lokkui' marisibi i iyun-ñiha return ticket gi cash gi mås takpapa' na economy excursion fare guatu gi månu nai ma-hire, solu i ticketing gi emple'áo madimånda ni lai. Esti i ticketing benefit para u mapribeniyi ha' gigun i emple'áo ha siparåo gui' ginin i inemple'an gubietnamentu.
- (2) Yanggin menus di idåt i patgun i emple'áo idåt-ña di 21 åñus, tåtkumu dependent, gi gåstun gubietnamentu, para u discharged gi esti na risponsåpblidåt yanggin i repatriation benefits ti manma-utilized gi halum i un åñu gi dependent ni gaigi gi idåt 21 åñus.
- (3) Tåya' suetdu para u ma'apåsi gi duråntin i tiempun kumarera.
- (4) I repatriation shipment gi household goods yan i personal effects para u masuhetu guatu gi kundision siha gi subsection (a)(3), yan minidi para i magåhit na libran i ma-shipped gigun i recruitment. I employer para u discharged i responsabilidåt para i repatriation i household goods yanggin i benifisiu ti ma'usa gi halum un åñu ginin i fetchan tetminasion.

(c) Check- out. Åntis di repatriation benefits manma-afforded yan malaknus i ottimu na chek pagamentu, i emple'áo debi na u kumpli i check-out procedures kumu ma'estapblesi ginin i Ufisinan Personnel Management.

- (d) Carry Over of Benefits. I emple'ão ni ha fa'tinas i contractual repatriation benefits siña ha carry over esti siha na benifisiu para maseha hâyi tatatti na employment gi halum i rãmas eksakatibu pat para maseha hâyi na employer gi halum i gubienamentun Commonwealth yan para u kualifikão para u risibi siha gi ottimun i employment yan i gubietnamentun Commonwealth. Tâya' benifisiu para u parehu, maskiseha kuãntu na numirun i contract periods.
- (e) Tãftaf i Tetminasion i Kuntrãta. Tãftaf i tetminasion mãttu gi anai i emple'ão ha risikna gui' pat malagu' para u abandona i pusion-ña pat matetmina put rason ântis di ottimun i teman i kuntrãta.
- (1) Yanggin i emple'ão ha tetmina i kuntrãta gi halum i primet añu:
- (i) I employer ti u liable para maseha hãfa na gãstun repatriation siha.
  - (ii) I emple'ão debi na u apãsi tãtti i gãstu gi employer gi expatriation benefits enumerated gi halum esti na seksiona, yan ottru na gãstu ma'apãsi ni employer related gi recruitment.
  - (iii) I Direktot i Personnel, yan i rikumendasion i employer, siña ma-waive (e)(1)(i) pat i (e)(1)(ii) yan u mapribeniyi repatriation benefits ingklusu i shipping yan i fleti para guatu gi recruitment gi compassionate basis.
- (2) Yanggin i emple'ão gaigi gi dos añus na kuntrãta ya ha tetmina i kuntrãta dispues di ha kumpli un añu na sitbisiu, i employer ti u liable para maseha hãfa na gãstun repatriation.
- (f) Re-employment. I emple'ão ni ha sipãra gui' ginin i sitbisiun gubietnamentu yan ha utilized i contractual repatriation benefits ti u kualifikão para i expatriation pat repatriation benefits gi halum i nuebu na kuntrãta yanggin mata'lun ma-hired gi gubietnamentun Commonwealth gi halum i sais mesis ginin i fetchan siniparão.

#### **§ 10-10-205 Housing**

- (a) I housing benefits siempri inaplika solu para i excepted service employees ni point of recruitment gi hiyung i Commonwealth gi Sangkattan na Islas Marianas yan atyu siha i excepted service employees ni manma-hired gi halum i Commonwealth yan matransferi guatu gi postun i hiyung i Commonwealth. I excepted service employee ni ma-recruited gi hiyung Commonwealth debi na u risibi maseha i housing pat housing allowance gi mãnu inatyik i emple'ão, lão ti todú i dos chumagigu. Yanggin i emple'ão ha atyik i housing, pues prinibeniyi sigun gi revocable license yan ti kumu tenancy pat leasehold. I housing allowance ti debi na u inipus mãski \$600 gi mes para un emple'ão sin dependents yan \$800 gi mes para i emple'ão yan i dependents.
- (b) Yanggin ti gumuaha housing gubietnu yan ti ma'areklãyi ni private housing para i emple'ão, i employer debi na apãsi tempurãriu na lodging allowance para i emple'ão ni ti u inipus i ma'estapblesi na per diem ni gubietnamentu para i travel gi duty station, para i tiempu ni ti u inipus trenta dihas. Yanggin i Direktot i Personnel ha detitmina na esti na tiempu ti numahung para u ma-move guatu gi petmanienti na housing, i la'anakku' na tiempu siña ma'ãturisa.



- (c) I housing i gubietnamentu ha intensiona para usu i emple'ao yan iyon-ña dependents. Tâya' petsona ni ti dependent siña sumâga gi halum housing gubietnu mâs ki trenta dihas, solu ma'aprueba ni tinigi' ni ginin i Direktot i Personnel.
- (d) Tâya' emple'ao ni matetmina i kuntrâta pat expired debi na sâga gi halum i mapribeniya na quarters anâkku' mâski katotsi dihas dispues di tetminasion pat expiration, solu ma'aprueba i sumagâ-ña ni Direktot i Personnel ginin i finaisin i employer.
- (e) I emple'ao responsâbli ni kandit yan i gâstun kuleksion basula siha.
- (f) I emple'ao responsâpbli ni para u nala'lu i furniture/appliances guatu gi employer gi tetminasion i kuntrâtan employment, gi parehu na kundision kumu gi tutuhun i inakupan i housing gubietnamentu, utdinâriu ma'usa pat matitik ma'aksepta. Gi tetminasion i kuntrâta, gumigigu para i departure ginin i premises, i employer pat i ha disiknâ-ña debi na u rikunosi i premises. Yanggin i ninagâsgas para repairs, ginin i aksion i emple'ao siha pat neglect madimânda, i emple'ao para u assess i gâstu gi corrective action.
- (g) I emple'ao responsâpble ni para u chuli' risonâpbli na aksion para u prutehi i housing gubietnamentu ni manâ'i kontra i yinamak ni ginin i pakyu. Ileksion i housing ha fa'tinas of risk ginin i emple'ao yan ha fa'tinas tâya' na warranty of habitability pat quiet enjoyment.
- (h) Maseha hâfa na housing allowance pat benifisiun housing para i emple'ao siha ma-recruited gi hiyung Commonwealth ya debi na sâga ha' ni para ti u inipus mâski singku âñus.
- (i) I benifisiun housing ti debi u ma-duplicated gi sichuasion siha anai parehu dos asagua manma'emple'a gi gubietnamentu, maseha gi employing entity.
- (j) I emple'ao debi na u comply ni todû regulasion housing siha ni macho'gui ni Ufisinan Personnel Management.

#### **§ 10-10-210 Annual Leave**

- (a) Annual leave pat vacation, debi na u manâ'i para i hinangain libetti yan diskânsu. Solu kumu mapribeniya gi halum esti na seksiona, emple'ao siha ni menus ki tres âñus na creditable service debi na u magâna annual leave gi mineggai kuâttru oras kada pagamentu. Emple'ao siha ni tres lão menus ki seis(6) âñus of creditable service debi na u gâna annual leave gi mineggai gi seis(6) oras kada pagamentu. Emple'ao siha ni seis pat mâs âñus of creditable service debi na u magâna gi mineggai i otchu(8) oras kada pagamentu.
- (b) Activity heads, direktot dibision, deputy secretaries, executive secretaries, special assistants para i Gubietnu, Sigundu Gubietnu yan department heads, medical doctors, practicing attorneys yan direktot eksakatibu siha gi principal boards yan kumision siha debi na u magâna i mineggai i otchu(8) oras kada pagamentu.

- (c) Annual leave accrual rate gi kada pagamentu para i health care professionals, engineers yan ottru na professionally qualified excepted service employees yan advanced degrees yan/pat exceptional skills pat ekspirensia debi na gi mineggai ya ti u inipus otchu oras, yan:
- (1) Based, specific gi kada emple'ão, gipun:
    - (i) I kritikât na nisisidât para u ma-fill i pusion;
    - (ii) I availability i kuâlifikâo na aplikânti siha; yan
    - (iii) I kantidâ yan kualidât of related education, training yan ekspirensia ni magogo'ti ni emple'ão.
  - (2) I emple'ão ni ma'emple'a gi halum i un âñu gi primet kuntrâta ti debi na u entitled para u usa i annual leave gi durântin i primet nubenta(90)dihas gi employment. I annual leave ni magâna gi durântin esti na tiempu para u ma-credited guatu gi emple'ão gipun munhâyan esti i initial period. Esti na rinektu ti ha aplika para i emple'ão ni ma'emple'a insigidas u matattiyi i kuntrâta.
- (d) I excepted service na emple'ão siha debi na u ma'-accrue annual leave gi rate ni ma-set hâlum gi kuntrâtan employment. Yanggin i emple'ão ha chuli' leave sin âpas (LWOP) pat absent sin leave (AWOL) na estâo siempri tâya' leave para u ma'-accrued para atyu na pagamentu.
- (e) I annual leave siña ma'usa solu ântis di written approval ni employer yan para u masiñâla sigun gi nisisidât i employer. I annual requests debi na u macho'gui kuintempu, solu gi cases bona fide emergencies, gi leave request form mapribeniyi ni Ufisinan i Personnel Management. Todu annual leave requests siha debi na u ma'aprueba ni immediate supervisor yan i direktot dibision. Gi ladikiki' na otganisasion siha anai gaigi i dibision siña ti exist, i heads gi tâtkumu i otganisasion siha debi na u aprueba i leave. I employer para u aprueba todû propiu ni mana'hâlum na leave requests solu i nisisidât i gubietnu atâha i absence i emple'ão.
- (f) Emple'ão siha ni mañeñetbi gi kuetpun gubietnamentu yan i kumision siha ni ma'ilihî para u chuli' leave sin ma'apâsi gi durântin finacho'chu'-ñiha gi obligasion siha gi kuetpu pat kumision debi na u accrue annual leave para atyu na oran sitbisu.
- (g) I annual leave debi na u machuli' gi durântin i tiempun kuntrâta. Solu mapribeniyi gi halum i subsections (h), (j) yan (k) gi sampapa', hâfa na annual leave ti machuli' para u ma-converted para sick leave gi ottimun i teman employment. Tâya' cash na âpas para u mafa'tinas para i ti ma'usa na annual leave, solu kumu mapribeniyi para i halum i subsections (j) yan (k) gi sampapa'.
- (h) Yanggin ma'ufresi yan inaksepta para i nuebu na kuntrâtan employment ya makunfotmi, pat yanggin i excepted service na emple'ão ha akseptâ i conversion para i civil service na estâo, i accrued yan i ti ma'usa na annual leave matransferi ginin i finene'na na employment, ya ti u inipus sientu sienta (160) oras, debi na u mapega guatu gi nuebu na kuntrâtan employment, pat estâo gi cases gi conversion para i estâon civil service. Sin ennâo esti na leave minidi, ni para u comply ni i sientu sienta(160) oras minidi, yanggin para u matattiyi ni i sientu

sienta(160)oras minidi, sigun gi critical nature yan i nisisidât para i sitbisiu siha gi gubietnamentun Commonwealth, i employer siña ha sedi, yan i inaprueban i Direktot i Personnel, i emple'âo para u accumulate hulu' asta dos sientus kuarenta(240)oras gi annual leave ya ha chuli' esti na kantidâ ni para u atattiyi i employment period. I ti ma'usa na annual leave ni inipus mäs ki chiña masângan gi sanhilu' na para u ma-converted para sick leave.

- (i) I emple'âo siha ni ma-converting ginin i civil service para excepted service status ni para u ma'aturisa para u ma-carry over ti mäs ki sientu sient(160) oras na annual leave. Oras ni inipus gi esti na kantidâ u ma-converted para sick leave yanggin ti ma'usa ântis di conversion.
- (j) I Direktot Personnel siña, ginin i rekumendasion i employer yan finitma ni Gubietnu, ma'aprueba i lump-sum cash na âpas hulu' asta i sientu sienta(160) oras ni ti ma'usa na annual leave gi maneran buluntâriu na separation sigun gi rason i bona fide personal emergency mäs ki minalagu' i emple'âo.

### **§ 10-10-215 Sick Leave**

I sick leave debi i emple'âo na u accrue kuâttru(4)oras na mineggai gi kada pagamentu, mana'siguru na i emple'âo esta gaigi gi pay status kumu madimânda ni excepted service employment na kuntrâta. Yanggin ha chuli' i emple'âo leave without pay(LWOP) pat ti mâttu sin leave (AWOL) na estâo siempri tâya' leave para u accrual para atyu na pagamentu. Emple'âon gubietnamentu siha ni manmatâta'chung gi kuepun gubietnamentu yan kumision siha ni ma'ilihî para u chuli' leave without pay(LWOP) gi durântin tâtkumu iyon-ña performance debi na u accrue leave para atyu na oran sitbisiu.

- (a) I emple'âo entitled para u usa i ha accrued na sick leave ginin i tiempu gi primet na earned.
- (b) Hâfa na absence gi sick leave amânu i emple'âo na ti macho'chu' mäs ki tres dihas debi na guaha illness ni ma-verified na nota ginin i mediku anai siña ma-claim sick leave.
- (c) I emple'âo ni ti entitled para maseha hâfa na âpas para i accrued yan i ti ma'usa na sick leave gigun i kinimplin i kuntrâtan employment pat i tetminasion i employment.
- (d) Yanggin ma'ufresi yan inaksepta para i nuebu na tiempun employment is agreed gi papa' i nuebu na employment contract/appointment, todû accrued yan ti ma'usa na sick leave credits ginin i finene'na na kuntrâta/appointment para u makâtga guatu, mana'siguru na yanggin i emple'âo sumiparâo gi sitbisiun gubietnamentu para mäs anâkku na tiempu kini tres âñus, i emple'âo debi na u divested i accumulated sick leave.
- (e) Yanggin i employer gai rason na honggi na i emple'âo ha misusing i sick leave, pat mamamaisin sick leave para hinangai siha ottru ki minalângu, i employer siña manggâgâo apruebasion minalângu ginin i health care professional para i tiempun minalângu. Yanggin ti mapribeniyi settifikasion, pat ti binensi, i supervisor siña ha puni i finaisin leave.

- (f) I sick leave siña ma'-accumulate sin u minidi.
- (g) I excepted service employees mangkuãlifikaõ para i prugrãman bangkun sick leave sigun gi aplikãpbli na regulasion siha ni ma'adãpta gi Oktubri 16, 1997, yan ma'publika gi halum i Rehistran Commonwealth, Baluma 19, Numiru 11. gi Nubembri 15, 1997, gi pãhina 15748-15757. [Atan i NMIAC titulu 10, kapitulu 50]

#### **§ 10-10-220 Leave Without Pay**

I leave without pay para nubenta(90) dihas pat menus siña machuli' solu dispues di inaprueban direktot dipattamentu. I excess na leave without pay gi nubenta(90)dihas debi na u ma'aprueba ni Direktot i Personnel gigun guaha rekumendasion ginin i employer.

#### **§ 10-10-225 Administrative Leave with Pay**

I administrative leave with pay siña ma-granted ginin i Gubietnu para hinangain publiku. I administrative leave with pay siña ma-granted ni employer para i emple'ãõ ni ha sesitbi i kuetpun gubietnamentu, konsiliu, pat kumision siha mana'siguru na i emple'ãõ ti manrisibi compensation ginin i kuetpu, konsiliu, pat kumision, yan, yanggin deemed para employment related purpose, para i tiempu ni ti ha upus dies(10) dihas gi sakkan.

#### **§ 10-10-230 Holidays**

I emple'ãõ debi na u mana'hãnãõ ginin i che'chu' gi todû holidays, solu durãntin emergencies, sin u falingu ni apas pat u ma-charge para i leave account.

#### **§ 10-10-235 Advance Leave**

Yanggin put para i minaolik na rason, i emple'ãõ ha dimãnda advance annual pat sick leave, i Direktot Pesonnel siña ha grant kuintiempu hulu' gi maximum of one-half gi tutãt ni earnable leave credits para un ãõu ginin i fetcha ni magãgãõ ni ma'aprueba pat para i tetehnan gi employment contract/appointment, ni mãnu i lakadada'. U matattitiyi i leave earnings debi na ma-serve para u tinahgui i kantidã ni machuli' na advance leave. Yanggin siakãsu i emple'ãõ ha risikna ginin i employment, maseha annual pat sick leave overdraft debi na u ma'apãsi kumu pãtti gi final clearance.

#### **§ 10-10-240 Court Leave**

I gubietnamentu ha sosohyu' i emple'ãõ-ña siha para u makumpli i opbilgasion siha kumu siudadãnu yan residenti siha gi Commonwealth yan i gubietnamentun federãt. Siakãsu, i emple'ãõ siha ni manma'ãgang para u masetbi i jurors yan tistigu siha siña, gi inatyik, u ma-granted court leave para i tiempu kumu madimãnda ginin i kotti. I emple'ãõ siha ni manma'ãgang para u fan jury duty pat kumu tistigu siha debi na u mapresenta i summon-ña siha guatu ti iyon-ña immediate supervisor dumanña

yan i kumplidu na finaisin para leave ni para i fitmã-ña yan processing. I emple'ão siha ni umu'usa i court leave para u cover i tiempun absence debi mana'la'lu' guatu gi Commonwealth Treasury tâtkumu jury pat tistigu na âpas siha (kumu distinct ginin i gâstun allowances) kumu marisibi ginin i kotti pat summoning party. Expenses allowances ni ma'apâsi i emple'ão para maseha hãfa na hinangai debi na u mago'ti ni emple'ão para u defray i gâstu siha ni ma-granted.

#### **§ 10-10-245 Compassionate Leave**

Full-time excepted service employees siña manã'i compassionate leave ni ti mãs ki singku(5)dahas na ha'ânin cho'chu', ti nisisãriu na u atattiyi, in cases i finatai gi halum i immediate family gi emple'ão. Para i hinangai gi esti na seksiona, i tema immediate family debi na u ingklusu i nana, tâta, che'lun lâhi, che'lun palão'an, asagua, immediate offspring (naturât yan kuttura pat ligât ma'adãpta), mamapotgi'ñaihun, tâtan bihu, nãnan biha, ñeta/u, sokgra, pat sokgru. I compassionate leave debi na machuli' gi halum dissi'otchu(18)dahas dispues di finatai i miembrun immediate family.

#### **§ 10-10-250 Miscarriage Leave**

Miscarriage leave debi na u ma-granted i excepted service employee ni u absent gi che'chu' sa' put miscarriage pat subsequent convalescence. Tâtkumu i miscarriage leave ti debi na u inipus singku(5)dahas na ha'ânin cho'chu', yan debi na u mana'danña'i ni accumulated sick leave. I emple'ão ni malagu' para u claim miscarriage leave debi na u ma-verified ni nota ginin i mediku anai siña ma-claim miscarriage leave. Maseha hãfa mãs na leave machuli' dispues di singku(5)dahas debi na u ma-charged guatu gi accumulated sick leave.

#### **§ 10-10-255 Pregnancy Disability Leave**

Pregnancy disability leave debi na u masedi guatu gi excepted service employee ni u absent gi che'chu' sa' put para u fañãgu, pat subsequent convalescence. Tâtkumu pregnancy disability leave debi na ti u inipus tressi(13)dahas na ha'ânin cho'chu', debi di u mãs gi maseha na maternity leave pat accumulated sick leave, yan debi maseha tressi(13)dahas na ha'ânin cho'chu' encompassing i fetchan mafañãgu. Maseha hãfa na leave machuli' kuntât ki hinangain finañãgu debi na u ma-charged kontra i accumulated leave. Pregnancy disability leave debi na u available para i excepted service employee ni ha padesi still birth.

#### **§ 10-10-260 Maternity yan Paternity Leave**

Maternity pat paternity leave debi na u ma-granted ni excepted service employee ni u absent gi che'chu' sa' put i emple'ão (maternity leave) pat i asaguan emple'ão siha (paternity leave) ni para u mafañãgu i patgun. Tâtkumu i maternity pat paternity leave debi na ti u inipus dos(2)dahas na ha'ânin cho'chu' yan debi na u machuli' gi halum i un simãna gi fetchan i mafañãgu i patgun. Paternity leave para atyu na u manã'i gi manera siha gi umasagua ligât.

### **§ 10-10-265 Military Leave**

Military leave yan âpas siña manâ'i para i excepted service employees para i tiempu ni ti u inipus kinsi(15)dihas na ha'ânin cho'chu' gi maseha taimanu mineggaiña na training periods gi sakkan.

### **§ 10-10-270 Extended Military Leave**

Extended military leave debi na u manâ'i para i excepted service employees sigun gi para i federât Uniformed Services Employment yan Reemployment na Âktu (USERRA).

### **§ 10-10-275 FMLA Leave**

Leave gi papa' i federât na familia yan i Âktun Medical Leave gi 1993 (FMLA) debi na u ma-granted para i excepted service employees kumu mapribeniyi gi FMLA.

### **§ 10-10-280 Part-time Accrual**

Part-time pat intermitten employees ni regulât na scheduled tours of duty gi kuareta(40) asta menus ki ochenta(80) oras gi durântin i dos(2)simâna na tiempu para u accrue annual leave yan sick leave ni ma-pro rated na kantidâ na benifisiun full time, ma-rounded off para i nearest quarter hour kada pagamentu, yan para u kualifikâo gi ottru paid leaves, ni mapribeniyi guini na pâtti, gi esti na âpas. I part-time pat intermitten na emple'âo siha gi regulât na scheduled tours of duty gi menus ki kuarenta(40)oras gi durântin i dos(2)simânan pay period ti u fan-accruel annual pat sick leave pat u kualifikâo para ottru na paid leave benefits. Yanggin part-time pat intermitten employees chumuli' i leave without pay (LWOP) pat in absence without leave (AWOL) na estâo para i masiñâla na duty period para u tâya' leave u ma'-accrual para atyu na pagamentu.

### **§ 10-10-285 Matransferi gi halum i Râmas Eksakatibu**

Yanggin i excepted service employee ha transferi para ottru excepted service na pusion gi halum i râmas eksakatibu, i nuebu na employer siempri ha assume hâfa na liability para âpas pat ha transferi todû i ma-earned na contractual benefits. Trinansferi para i pumarehu na pusion siha gi halum i râmas eksakatibu u tâya' tinalaika gi suetdu nai siña inafekta ni i employer ni pat sin i petmision i emple'âo.

### **§ 10-10-290 Matransferi para Ottru na Government Entity**

Yanggin i excepted service employee matransferi para ottru na government entity, i manrisisibi para u assume hâfa na liability para i apas pat i matransferin todû i earned contractual benefits. Pumarehu, i râmas eksakatibu para u assume liability para i apas pat trinansferi gi todû earned contractual benefits yanggin ha akseptâ i trinansferin i emple'âo contractual entitled kumu benifisiu ginin ottru na government entity.

**Påtti 300      Kundukta yan Opligasion i Emple'åo**

**§ 10-10-301      Mediation Procedure**

I excepted services employees siña ma'aligåo dispute resolution para u såtba i conflicts yan disputes ginin i mediation procedure kumu mapribeniyi ni Ufisinan Personnel Management yan sigun gi available resources.

**§ 10-10-305      Tetminasion Sitbisiu Para i Gubietnamentu**

- (a) I gubietnamentu siña ha tetmina i emple'åo sin rason ni u matugi'i nutisia sisienta (60) dihas kuntiempu åntis di tetminasion i employment. Esti na tiempu siña mana'kadada' solu ma'esisifika gi halum i kuntråtan employment gi lakadada' na tiempu gi kuntiempu na nutisia. Tåtkumu i nutisia debi na u ma'esisifika i fetchan i tetminasion yan u manå'i i emple'åo petsonåtmienti, pat ni certified mail solu yanggin i emple'åo ti available para u manå'i petsonåtmienti.
- (b) I gubietnu siña ha tetmina i emple'åo sin rason ni u matugi'i nutisia sietti (7) dihas kuntiempu ni tetminasion employment.
- (c) Gigun marisikna, i emple'åo debi na u nå'i sisienta (60) dihas kuntiempu ni u tugi'i nutisia i terminating employment. Yanggin makunsidera para minåolik intires i gubietnu, esti na tiempu siña mana'kadada' pat mana'la'anakku' ginin employer ni mamensiosiona gi halum i kåmpu ni mapribeniyi gi kuntråtan employment ni ma'esisifika i tiempu kuntiempu ni u madimånda i matugi' na nutisia. Gi tiempun riksiknasion, i employer siña ha waive kuntiempu i dinimåndan tinigi' nutisia.

**§ 10-10-310      Non-discrimination Policy**

- (a) Areklun i gubietnamentun Commonwealth na i diskriminasion, para pat kontra håyi na emple'åo, sa' put råsa, creed, kulot, gender (ingklusu i sexual harassment), sexual orientation, national origin, idåt, rilihon, political affiliation, miembrun otganisasion, veterans status, disabilidåt, pat genetic information mapribi yan ti u masedi.
- (b) Todu ahensia siha debi na u ma-maintain kada workplace free kontra unlawful harassment, ingklusu sexual harassment. Håyi na emple'åo pat ufisiåt ni ha engage gi håfa na aksion diskriminasion, pat harassment gi manera gi håfa gi sanhilu' na factors ha kontra i areklun gubietnamentu, yan tåtkumu misconduct para u masuhetu i emple'åo gi corrective action ranging desdi counseling ni para disciplinary action hulu' para yan ingklulusu i tetminasion. Tåtkumu harassment gi non-employee (put ihemplu, client, pat contractor) lorkkui' mapribi. Employers ti debi na u sungun maseha håfa na outside harassment yan debi na u chuli' i nisisåriu na aksion para u atåha ni u sigi kumintunuha pat tuma'lu.

- (c) Håyi na emple'ão sumienti na madiskrimina gui' kontra i manera gi maseha hãfa gi sanhilu' na factors, pat sexual harassed, debi na insigidas u ripot tãt sinisedi guatu gi supervisor gi maseha hãfa na level sin u ma'ã'ñão ma-reprisal. Gi manera siha ni sexual harassment, manera siha ni debi na u matattiyi sigun gi 10-10-315. Kunfidensiãt para u ma-maintained i pinetmitin sinisedi.
- (d) I employer ni ha risibi claims ni diskriminasion pat harassment na umisão guini na areklu debi na u chuli' tãtkumu complaint siri'osu yan insigidas abisa i Direktot Personnel pat i Commonwealth Equal Employment Opportunity (EEO) Coordinator put i sichuasion. I employer, yan i inasistin i EEO Coordinator, para u na'siguru na ma'imbistiga insigidas, sikretu, yan mãs na konfidensiãt kumu pusipbli, consistent ni nisisidãt na u madetitmina i fãktu siha. I imbestigasion para u madokumentu ni ripot imbesitigasion na u ma-retained gi halum i confidential file ni EEO Coordinator. Håyi na petsona ma'akusa na umisão debi na u masedi ni opottunidãt para u mumuyi i charges.
- (e) Dispues di dinetitmina i fãktu siha ginin i imbestigasion, i employer debi na u chuli' corrective action kumu madimãnda ni kundision siha. Esti siãa ha ingklusu i counseling gi maseha hãyi na emple'ão, maseha pat ti masusedi i isão; imposing an appropriate sanction, ingklusu disciplinary action; mana'siguguru na esti na areklu is reiterated para todur emple'ão siha pat maseha hãyi na gurupu. I employer, pat hãyi na supervisory staff, ni ti ha chuli' propiu na aksion lokkui' ha violates esti na areklu yan ha exposes i liability gi gubietnamentun Commonwealth.

#### **§ 10-10-315 Non-tolerance of Sexual Harassment**

##### **(a) Applicability**

Esti na areklu yan procedure ha aplika para todur excepted service employees gi gubietnamentun Commonwealth.

##### **(b) Hinangai**

Esti na areklu yan procedure para u ma'estapblesi i areklun i gubietnamentun Commonwealth gi non-tolerance gi sexual harassment gi maseha hãfa na fotma, ni emple'ão-ñã siha, kontra i emple'ão-ñã siha, pat ni non-governmental agents kontra i client i gubietnamentu pat emple'ão siha. Para u pribeniyi giniha para idukasion yan training i emple'ão siha para u ma'rikoknisa, suhãyi yan pribeni i sexual harassment gi halum i bãndacho'chu'. Esti na areklu yan procedure para u mapribeniyi pãsu siha para reporting, investigating yan taking administrative action gi sichuasion siha ni humãlum i sexual harassment.

##### **(c) Difinision Siha**

- (1) Sexual harassment ti ma-welcome i sexual advance, ginagãon sexual favors pat ottru verbal pat physical conduct gi sexual nature. Yanggin masusedi i sexual harassment:
  - (i) Nina'hãlum para tãtkumu kondukta ni mafa'tinas parehu explicitly pat implicitly i tema pat kundision gi individual's employment, pat
  - (ii) Nina'hãlum pat pinini gi tãtkumu kondukta ni indiyuãt ni ma'usa kumu basis para i disision siha gi employment ni inafefekta kumu i indibiyuãt, pat



- (iii) Tâtkumu i kondukta gai hinangai pat effect gi unreasonable ni ume'entalu' yan i performance i che'chu' i indibiyuât pat mama'prublelema ni manispâpanta, hostility, pat offensive gi uriyan cho'chu'.
- (2) Sexual harassment siña madibidi gi dos klâsin manera siha ni misconduct:
- (i) Yanggin mama'desi i emple'âo pat ma'aminâsa ni quid pro quo (esti para atyu) na sichuasion. Esti na fotma gi sexual harassment mâfattu yanggin i supervisor pat maseha hâyi ni gai âturidât kontra i victim ya ha na'annuk pat get out demand, tâtkumu u na'hâlum i ginagâo sexual siha pat u ma-fired, demoted, mahâtsa mo'na, pat hâfa ottru na manera ni para un mana'miserâpbli gi che'chu'. Esti na klâsin sexual harassment siña makumiti gi unu ha' na tâotâo gi halum i istrakturan otganisasion ni gai fuetsa para u control i victim's job destiny.
  - (ii) Yanggin i behavior gi halum bândancho'chu' ha fa'tinas hostile environment. Esti na fotma i sexual harassment ya mâttu gi supervisor, co-worker, pat hâyi ta'lu i biktima comes in contact gi che'chu' ni ha creates abusive work environment pat inistotba i emple'âo work performance ginin i palâbra siha pat aksion sa' put i gender biktima. I sigienti siha na klâsi gi behavior ni manmarekuknisa ni kotti kumu contributing gi sexual hostile environment:
    - (A) Madiskukuti aktibidât sexual siha;
    - (B) Masâsangan off-color na ossitan siha;
    - (C) Ti kumbeni na pinatcha ;
    - (D) Commenting gi physical attributes
    - (E) Mamomotra sexually suggestive na litrâtu siha;
    - (F) Ma'u'usa demeaning pat ti asientâdu na palâbra siha tâtkumu babe, honey, etc;
    - (G) Ma'u'usa ti mandisienti na siñât siha;
    - (H) Sabotaging i che'chu' i biktima;
    - (I) Engaging in hostile physical conduct;
    - (J) Granting favors para todû atyu i mampattisipânti gi consensual sexual activity; pat
    - (K) Ma'u'usa crude yan offensive na linguâhi;
    - (L) Ma'u'usa provocative , sensual attire, i.e. tight, skimpy, short-length, etc.
  - (iii) I sanhilu' ni manmalista na behaviors siña ma-create liability para i gubietnamentu yan maseha hâfa na kondukta ni debi na u ma'-address yan makurihi gi mânu siña na tinaftaf ântis di u atdit pat pervasive.
- (3) I environment sagancho'chu' makunsidera na sexually hostile anai masusedi i conduct ni ha meets i dos sigienti na kundision:
- (i) Debi na u subjectively mali'i kumu abusive ginin i petsona ni inafekta, yan
  - (ii) Debi na objectively severe pat pervasive enough ni para u create i work environment na risonâpbli i petsona na masodda' na hostile pat abusive.
  - (iii) I detitnasion kâo pat ti sichuasion na para u onstrued kumu sexual harassment na debi lokkui' na u machuli' konsiderasion gi sigienti na fâktu siha:

- (A) I biktima lokkui' yan kumu i harasser siña palão'an pat làhi. Siña lokkui' i biktima achuka' ti i opposite sex;
  - (B) I harasser siña ha' biktiman i supervisor, agent i employer, supervisor gi halum ottru na lugåt, co-worker pat non-employee.
  - (C) I biktima siña ha achuka' ti petsona ni man-harassed, lão siña maseha hâyi ni inafekta ginin i offensive conduct;
  - (D) I unlawful sexual harassment siña masusedi sin economic injury gi biktima;
  - (E) I konduktan i harasser ti debi na u ma-welcome.
- (4) I sexual discrimination madistinggi ni sexual harassment ni atyu na ha reflects biases gi halum employment actions sigun gi gender, lão ti sãonão i abusive behavior ni madiskribi gi subsection (b) gi sanhilu'.
- (d) Areklu
- (1) I areklun i gubietnamentun Commonwealth na atyu todun emple'ão siha debi na u magosa i work environment free kontra sexual harassment yan todun fotman diskriminasion. I sexual harassment iligåt, gi papa' i Titulu VII gi Åktun Civil Rights gi 1964, kumu ma'amenda yan kumu ma'implimenta ni 29 CFR 1604.11, yan maprohibi gi papa' esti na kapitulu yan attikulu 1, seksiona 6, gi Konstitusion Commonwealth.
  - (2) I sexual harassment ispisifikåt maprohibi yan ti u makunsienti gi maseha hâfa na fotma, maskiseha offensive conduct makumiti ni supervisors, managers, non-supervisors (co-workers) pat non-employees (consultants, contractors, general public).
  - (3) Todun emple'ão siha manmasohyu' para u maripot hâfa na violation gi esti na areklu. Yanggin i management ti aware ni esti ispisifiku na incidents ni sexual harassment gi halum båndancho'chu', ni ti siña ma'-address siha. Yanggin i emple'ão ha li'i' pat ma-subjected gi sexually discriminatory pat harassing behavior gi halum båndancho'chu', debi na u maripot insigidas guatu gi departmental EEO counselor pat coordinator kosa ki siña ma'arekla gi mânu i siña na tinaftaf. I emple'ão siha ti u ma-retaliated kontra i macho'gui i minagâhit na sinangan siha put i mali'i' na harassment.
  - (4) Tâya' emple'ão para u mapuni pat u risibi employment opportunities yan/pat benefisiu siha put i rilasion sexual gi co-worker pat supervisor. Tâya' emple'ão pat non-employee debi na u implika para i emple'ão, aplikântin employment, pat client gi aktibidåt gubietnamentu, ni atyu na kondukta i sexual nature para u guaha effect gi atyu na employment petsonåt, assignment, advancement, ottru na kundision gi employment, pat hâfa ottru na rilasion gi gubietnamentu. Hâfa na incidents ni esti na klâsi, gi guaha apruebasion gi imbistigasion, siempri u masuhetu para i disciplinary yan corrective action.
  - (5) I employer, gi todun supervisory levels, risponsâpbli para i manmasusedi na aksion siha gi sexual harassment gi halum båndan cho'chu' anai ma tungu' pat debi na u ma tungu' na prohibited conduct. Kumu ufisiâlis gi gubietnamentun Commonwealth, ti propiu na aksion i supervisor pat ti macho'gui ha creates liability gi påtтин i gubietnamentu.

Todu sinisedi siha gi sexual harassment para u maripot insigidas guatu ti Equal Employment Opportunity Coordinator, Dibision Direktot pat i Ma'gas Dipattamentu/employer para u giniha. Supervisors yan manihanti siha ni tumungu' ya ha sedi i harassing behavior na para u masusedi, pat pumattisipanti gi tatkumu behavior, siempri u masuhetu para i disciplinary action.

- (6) I Direktot i Personnel, kumu i Ufisiãlis Deputy Commonwealth Equal Employment, para u ma'imfotma insigidas ni todú i Dipattamentu yan Må'gas Aktibidãt siha gi hãfa na sinisedi gi sexual harassment ni maripot gi halum i otganisation-niha, pat gi hãfa na charges marisibi ginin i Equal Employment Opportunity Commission (EEOC).
- (7) I Direktot Personnel para u na'siguru atyu todú i sexual harassment na kineha siha ni marisibi swift yan siri'osu na imbistigasion siha. Apropositu na aksion para u machuli' gi sichuasion siha anai i complaint bumãli para u makurihi i sichuasion yan appropriately discipline i harasser. I kineha siha madetitmina para u deliberate false accusations na para u matrãta kumu potential disciplinary na sichuasion siha. I sichuasion siha anai i biktima ha gãgão na u tãya' imbistigasion para u makondukta pat machuli' aksion ni debi na u ma'imbistiga yan u macho'gui para u masuhãyi i mamamaila' na liability yan para u effect consistent enforcement gi areklun Commonwealth gi non-tolerance gi sexual harassment.
- (8) I kineha siha gi sexual harassment debi na u mapo'lu insigidas sigun masusedi ni para u facilitate i timely response yan para u mana'kadada' i tiempu ni i emple'ão para u suhetu gi tãt trãtamientu. Lão, EEOC statutes complaints siña mapo'lu maseha ngai'an gi halum i sientu otchenta (180) dihas gi anai masusedi i achãki siha.
- (9) I sinisedin harassment sigun gi employee's sexual orientation, mientras ti kinukibri ni lai kumu i Equal Employment Opportunity violation, guiya i violation gi areklun Commonwealth ni ha na'siguguru na kada emple'ão ma pribeniyi ni sãfu' na work-environment, non-threatening yan non-discriminatory. I sinisedi siha gi esti na manera ha comprise misconduct yan para u masuhetu ni disciplinary action.
- (10) I hiring i emple'ão ni matungu' na gai kondukta ni sexual harassment pat misconduct siña rinisutta i gubietnamentu ni liability put diskuidun hiring. Tãya' aplikãnti para employment ni gai kondukta para u ma'emple'a sin kabãlis na background na imbistigasion yan ispisifiku na inapruedan i Direktot Personnel.
- (11) Kada employer madimãnda para u pãtti esti na areklu para kada emple'ão gi papa' ãoturidãt-nã yan para u na'siguru na esti na areklu mapega gi anai accessible gi todú lugãt todú i tiempu.
- (12) Todú supervisors para u fanmapribeniyi training gi manidentifika yan ma'atãhan sexual harassment gi halum bãndancho'chu'. Para u ma risibi training gi taimanu mankondukta limited administrative na imbistigasion yan manripopot manera siha mãs na allegations of harassment.

(e) Manera Siha

- (1) Maseha hâyi na ufisiât gubietnamentu ni ha tungu' put i sinisedi pat sichuasion ni sâsâonâo i sexual harassment debi na u ripot insigidas guatu gi iyon-ña Equal Employment Coordinator, Direktot Dibision, Mâ'gas Dipattamentu/employer. I gubietnamentun Commonwealth ha liability ligât para maseha hâfa na aksion anai i ufisiât gubietnamentu ha suhetu i emple'âo ni sexual harassment, pat ha tungu' na i emple'âo na ha suhetu ottru emple'âo ni sexual harassment yan ti ha chuli' i dinanchi na aksion.
- (2) Maseha hâyi na emple'âo ni petsonât ha suhetu i sexual harassment, pat ha tungu' i ottru na emple'âo siha manmasuhetu ni sexual harassment, debi na u ripot i sinisedi pat sichuasion insigidas guatu gi iyon-ña departmental Equal Employment Coordinator, Direktot Dibision, Mâ'gas Dipattamentu/employer. Yanggin i emple'âo ti comfortable para u chuli' esti na intension gi maseha hâyi na pattida, pat i Direktot Dibision pat Mâ'gas Dipattamentu/employer ni sâonâo gi harassment, guiya debi insigidas na u contact i Commonwealth Equal Employment Coordinator gi Ufisanan Personnel Management, pat direktamienti i Direktot Personnel. I initial contact ti nisisâriu na u tinigi'.
- (3) Yanggin i sexual harassment na sinisedi sâonâo i physical assault, tâtkumu i rape, attempted rape, assault pat ottru aksion siha ni sâsâonâo physical contact, maseha i emple'âo pat i ufisiât ni tumungu' put i sinisedi debi na u ripot insigidas guatu gi Dipattamentun Sinâfu' Pupbliku para insigidas u machocho'gui yan i imbistigasion. Maseha hâfa na physical evidence ti debi na u ma'istotba astaki manmâttu i Dipattamentun Sinâfu' Pupbliku.
- (4) Todu sinisedi siha gi alleged sexual harassment debi na u maripot insigidas guatu gi Commonwealth Equal Employment Opportunity Coordinator gi Ufisanan Personnel Management pat direktamienti guatu gi Direktot Personnel gigan i employer, pat ottru senior official yanggin siakâsu ti available i employers, ya masienti. I mangihâhayi na emple'âo debi na u mafaisin kuestion ni i departmental Equal Employment Coordinator, legal counsel, Direktot Dibision, pat i Ma'gas Dipattamentu/employer para u detitmina i fâktu siha gi allegation. I Direktot Personnel pat i Commonwealth Equal Employment Opportunity Coordinator siempri makunsutta para u madetitmina yanggin i imbistigasion para u makondukta gi departamental level pat yanggin ma'apunta imbistigadot sanhiyung.
- (5) Put i potential legal liabilities ni rinisusutta i sichuasion i sexual harassment, i Direktot Personnel para u makakula i risponsâpblidât para imbistigasion yan manâ'i ufisiât imbistigadot (selected EEO official, manager, pat legal counsel) pat i unit (Ufisanan Abugâdu Henerât pat i Dipattamentun Sinâfu' Pupbliku).
- (6) Todu allegations gi sexual harassment ginin emple'âo siha pat perceptions i sexual harassment ginin i third parties pat i management staff para u maripot guatu gi Direktot Personnel yan para u ma'imbistiga. Atyu na sichuasion siha anai mamaisin i biktima na atyu i imbistigasion u makondukta pat machuli' aksion na debi lokkui' u ma'imbistiga yan u macho'gui para u masuhâyi i future liability yan para u effect consistent enforcement gi areklun Commonwealth ni non-tolerance gi sexual harassment.

- (7) I dipattamentu ni sãonão gi halum i kinehãyi yan i ufisiãt pat unit appointed para u kondukta i imbistigasion para u cooperate fully ni Ufisinan Personnel Management para gi process of investigating, maripopot yan sinãtban i kineha.
- (8) I dipattamentu ni sãonão gi kineha yan i Ufisinan Personnel Management para u na'siguru na tãya' retaliation machuli' kontra i manngihãyi pat hãyi na tistigu siha gi alleged harasser pat gi hãyi ottru na emple'ão.
- (9) Gi process of investigating i kineha, i sigienti na giniha para u tinattiyi todú tiempu:
- (i) Todú kineha siha para u machuli' siri'osu.
  - (ii) Guilt ti debi na u presumed gi maseha hãyi na pattida. I diretchun dos pattida debi na u maprutehi.
  - (iii) Parehu pattida debi na u mana'siña i opropositu to state i bãndan-ñiha.
  - (iv) Konfidensiãt debi na u ma-maintained todú tiempu.
- (10) I administrative investigation para u mana'kabãlis kumu pumusipbli chaddik. I ottimu na ripot para u mana'hãnão guatu gi Direktot Personnel gi sigienti na manera:  
 Sinumãrian Sinisedi  
 Fãktu na Sinedda' siha  
 Diniskuti  
 Kinumplidu  
 Rekomendasion siha
- (11) I Direktot Personnel para u maribisa i investigative report para u mana'siguru na i fãktu siha ha supotta i conclusions yan i rekomendasion siha ni manrisonãpbli yan mangkonsisti ni Commonwealth areklun disciplinary. I Ufisinan i Abugãdu Henerãt para u konsutta para mana'siguru na i resulasion mampropiu ligãt.
- (12) I Direktot Personnel para u forward i ottimu na ripot guatu gi Dipattamentu/employer yan i Ufisinan Personnel Management na rekomendasion siha para resulasion gi kineha.
- (13)(i) Dipendi gi inatdetña i sinisedin i sexual harassment, i resulasion gi sichuasion siña sãonão i sigienti na administrative actions:
- (A) Conference/counseling
  - (B) Oral pat written na abisu
  - (C) Kãttan reprimand
  - (D) Suspendi
  - (E) Demotion
  - (F) Tetminasion
- (ii) Hãfa na administrative actions manmasipãra ginin yan ti contingent gigun hãfa na civil pat criminal court actions.
- (14) I employer para u sãtba i kineha/grievance sigun gi imbistigasion yan rekomendasion gi Ufisinan Personnel Management. Yanggin i Ma'gas Dipattamentu/employer ha aguaguãti i marekumenda na resulasion, siempri insigidas u mali'i' yan i Direktot Personnel ni para u masãtba i difirensian-ñiha. Yanggin parehu pattida ti kuntentu, i kaosa para u machuli' insigidas guatu gi Gubietnu para i ottimu na disision.

- (15) Maskiseha i complainant pat i respondent siña ma'apela i ottimu na resulasion guatu gi Direktot Personnel, ni ti u mãski kinsi(15)diha dispues di marisibin i nutisia gi ottimu na resulasion. Yanggin i complainant pat i respondent man excepted service na emple'ão siha yan ti inapuntan gubietnu pat atkãtdi, siña ma apela i ottimu na resulasion guatu gi Direktot Personnel, ti u mãski kinsi(15)diha dispues di marisibin i nutisia gi ottimu na resulasion. I complainant pat i respondent ni inapuntan gubietnu pat atkãtdi siña manmamaisin fotma gi tinigi' para i employer ni para u ribisa i disision i kaosan-ñiha, i ottimu na resulasion inaprueba ni Gubietnu pat Atkãtdi gi manera siha ni sãsonão iyun-ñiha respective appointees na ti u masuhetu para i apela.
- (16) I Direktot Personnel para u kondukta hinekkunguk gi inapela yan u mafa'tinas i ottimu na disision gi manera.
- (17) I sinisedi pat sichuasion siha gi sexual discrimination ni ti sãonão aksion siha gi harassment para u macho'gui kontra i normal grievance procedure utilized para ottru Equal Employment Opportunity complaints.

(f) Nota yan Ripot Siha

- (1) I Ufisinan Personnel Management para u maintain records gi todú allegations gi sexual harassment ni para u ingklusu kopia siha gi investigative na ripot siha.
- (2) Records gi on-going na imbistigasion para u fanmapega gi halum i confidential file separão kontra i official personnel folder. Gigun i resulasion gi kineha, apropositu na records gi resulasion pat i disciplinary action para u mapega gi apropositu official personnel folder.
- (3) I Ufisinan Personnel Management para u ripot guatu gi Gubietnu kada sãkkan i personnel report gi mineggain i sexual harassment na kaosa yan i resulasion-ñiha.

(g) Responsãpblidãt Siha

- (1) Todú emple'ão siha debi na u matungu' i Commonwealth Equal Employment Opportunity yan i Non-tolerance gi Sexual harassment na Areklu siha yan u matattiyi esti siha na areklu ni para u guaha sãfu', non-threatening yan non-discriminatory gi bãndancho'chu'.
- (2) Todú supervisors, managers yan direktot siha para u macho'gui yan ma-maitain i work environment ni sãfu', non-threatening yan non-discriminatory na bãndancho'chu'. U mana'siguru na todú emple'ão siha u matungu' na i sexual harassment ti u masedi yan u mana'siguru na hãfa na sinisedi gi sexual harassment maripot kumu directed guini na areklu.
- (3) Todú Equal Employment na Prugrãman counselors debi na u fanggai tingu' concerning i equal employment opportunity na lai siha, regulasion yan areklu siha, parehu i federãt yan i Commonwealth, yan u ma-strive ni para u remain up-to-date gi present ni EEO trends yan aktibidãt siha. Para u ma na'listu siha ni para u ma'ekkunguk i EEO related na kineha siha gi dipattementun-ñiha pat aktibidãt yan u pribeni counseling yan asistimientu para i effected employees. Para u ma coordinate yan i dipattamentu/aktibidãt i EEO Coordinator.

- (4) Todu dipattamentu/Aktibidât i Equal Employment Coordinators debi na u matungu' put i lai, regulasion yan areklu siha gi Equal Employment Opportunity parehu i federât yan Commonwealth yan u famai'che'chu' para u sâga up-to-date gi prisenti i trends yan aktibidât siha gi EEO. I coordinators siha para u pribeniya i EEO expertise yan inasisti gi dipattamentu/aktibidât EEO counselors yan management staff. Para u ma coordinate yan i Commonwealth EEO Coordinator.
- (5) Todu Dipattamentu or Mâ'gas Aktibidât siha kumu i aktibidât i Ufisiâlis Equal Employment Opportunity para u malaknus i policy statement yan ma'estapblesi i departamental Equal Employment Opportunity na Prugrâma ni ingklusu i areklu siha gi non-tolerance gi sexual harassment. Para u ma nâ'i i supervisors, managers yan direktot siha na para siha u chine'gui yan maintaining i work environment sâfu', non-threatening yan non-discriminatory. Para u ma enforce i areklun Commonwealth gi non-tolerance gi sexual harassment yan u machuli' risonâpbli yan konsisti na aksion gi resulasion gi hâfa na sichuasion sexual harassment.
- (6) I Direktot Personnel, kumu i Ufisiâlis i Deputy Equal Employment siha, para u mana'siguru development yan maintenance viable gi Commonwealth wide gi Prugrâman Equal Employment Opportunity ni ingklusu i training gi todus levels gi pribension yan resulasion i sichuasion sexual harassment. I Direktoto Personnel para u initiate i imbistigasion administrative para todus allegations gi sexual harassment yan para u mana'siguru iyon-ñiha propiu na resulasion gi sigun gi esti na areklu yan manera.
- (7) I Gubietnu, kumu i Ufisiâlis Equal Employment para i Commonwealth, para u estapblesi yan promote i areklu gi non-tolerance gi sexual harassment gi hâfa na fotma. I Gubietnu para u nâ'i todus Dipattamentu yan Mâ'gas Aktibidât siha na para u fan accountable ni iyun-ñiha active na supottasion gi Commonwealths Equal Employment Opportunity yan non-tolerance gi areklun sexual harassment siha, yan para iyun-ñiha fulfillment gi responsâpblidât siha gi manmatanchu' guini na areklu yan manera.

(h) Kumision Equal Employment Opportunity

- (1) Yanggin i kinehan i emple'âo gi sexual harassment ti macho'gui sigun gi satisfetchonña, i emple'âo gai chansa para i filing a complaint gi Kumision Equal Employment Opportunity (EEOC). I manmangihâhay i lokkui' manggai chansa gi filing i kinehan-ñiha direktamienti gi EEOC. Debi na u manota atyu na guaha statutory limitations gi sientu otchenta(180) dihas ginin i harassing/discriminatory na sinisedi gi durânti ni i anai mapega i kineha.

I EEOC giya Hawaii gaigi gi:

300 Ala Moana Blvd.  
 Room 7123A  
 Box 50082  
 Honolulu, Hawaii, 96850  
 (808) 541-3120

I EEOC giya San Francisco, California, gaigi gi :

901 Market Stree  
 Suite 500  
 San Francisco, California, 94103  
 (415) 356-5100

- (2) Maskiseha i gubietnamentu Commonwealth u malagu' sumâtba todû i kineha siha kontra i administrative processes, i emple'âo ti u masuhetu gi hâfa na retaliation na aksion siha gi i filing kineha ni i Kumision Equal Employment Opportunity.

**§ 10-10-320 Areklun Anti-Bullying**

- (a) I Commonwealth ha kumiti gui' para u pribeninyi todû emple'âo siha ni healthy yan sâfu' work environment. Areklun i gubietnamentu na ti para u ma-tolerated i bullying gi sagancho'chu'. Todû ahensia siha debi na u ma-maintain kada sagancho'chu' u free kontra i bullying. Esti na areklu debi na u aplika para todû i excepted service employees, maskiseha hâfa estâon che'cho'-ña.
- (b) I bullying madifina kumu persistent, malicious, unwelcome, severe yan pervasive na matrâta ni ha na'tailayi, intimidates, ufendi, degrades pat humiliates, maskiseha verbal, physical pat maseha hâfa, gi lugât cho'chu' yan/pat gi course of employment.
- (1) I sigienti klâsin behavior ni manma'intetpityi para u constitute i bullying gi sagancho'chu'. Esti na lista ti kumeke'ilekña to para u exhaustive yan para u ufresi ha' gi maneran ihemplu:
- (i) Staring, glaring pat ottru na nonverbal demonstration of hostility;
  - (ii) Exclusion pat social isolation;
  - (iii) Excessive monitoring pat micro-managing;
  - (iv) Work-related harassment (work-overload, unrealistic deadlines, meaningless tasks;
  - (v) Mago'ti gi difirensia na standard ki i pumalu na employee's work group;
  - (vi) Consistent ignoring pat interrupting ni emple'âo gi me'nan i mangga'chung gi che'chu'
  - (vii) Personal attacks (gotpi lalâlu', sessu chumatfinu', pat name-calling;
  - (viii) Ha sosohyu' ottru siha para u mabira guatu kontra i ma-targeted na emple'âo;
  - (ix) Sabotage i che'chu' emple'âo pat undermining i performance i che'chu' emple'âo;
  - (x) Ilâo;
  - (xi) Repeated infliction of verbal abuse tâtkumu i usun i derogatory remarks, insuttu siha yan epithets;
  - (xii) I risonâpbli na petsona ni ha sodda' na hostile, offensive, yan unrelated para i employer's legitimate business na intires.
- (2) Workplace bullying debi na u ma'-address yan u makurihi amanu siña na tinaftaf ântis di u atdit pat pervasive.
- (c) Hâyi na emple'âo ni ha sienti pat ma-bullied debi na insigidas u ripot tâtkumu i sinisedi guatu gi supervisor gi hâfa na level sin u ma'â'ñao na u mana'tailayi.



- (d) I employer ni ha risibi claim of bullying gi violation esti na areklu debi na u chuli' siri'osu i kineha yan insigidas abisa i Direktot Personnel pat i Commonwealth Equal Employment Opportunity Coordinator ni sichuasion. I employer, yan i inasistin i EEO Coordinator, para u mana'siguru na ma'imbistiga m'olik, sikretu, yan am'anu si'na i konfidensi'at kumu pusipbli, kunsisti na nisis'ariu para u madetitmina i f'aktu siha. I imbistigasion para u madokumentu gi investigating report ni para u ma-retained gi halum i pine'lun konfidensi'at ni EEO Coordinator. H'ayi na petsona masotni ni violation debi na u masedi ni opottunid'at para u mumuyi i charges.
- (e) Dispues di detitminani f'aktu siha gi imbistigasion, i employer debi na u arekla i aksion kumu madim'anda ni circumstances. Esti si'na ingklusu i counseling maseha h'ayi na emple'ao, maseha pat ti masusedi i violation; imposing i apropositu na sanction, ingklusu i disciplinary action; mana'siguguru na esti na areklu is reiterated para tod'u emple'ao siha pat maseha h'afa na gurupu. I employer, pat maseha h'ayi na supervisory staff, ni ti ha chuli' propiu na aksion lokkui' ha violates esti na areklu yan ha exposes i liability gi gubietnamentun Commonwealth.

### § 10-10-325 Areklun Atkahot yan Drug Free Workplace

(a) Areklu

Kumu employer, i gubietnamentu ha rekognisa na gai respons'apblid'at gi emple'ao-'na siha yan i pupbliku ni ha sesetbi para u machuli' i rison'apbli na p'asu para u mana'siguru i sin'afu' gi halum i b'andancho'chu' yan gi halum i kumunid'at. Furthermore, i gubietnamentu concerned put i adverse effect gi atkahot yan i drug abuse ni s'afu' yan gai produktu gi b'andan cho'chu'. Ha rekognisa h'ayi atyu na emple'ao, ni gai abilidad'at para u cho'gui s'afu' yan gai produktu ni inafekta ni ma'usan atkahot yan ottru drugs, ya ha jeopardizes i integrity i b'andancho'chu' yan i achievement gi mision i gubietnamentu. I gubietnamentu ha ri'alisa na i alcoholism, prubleman maneska yan drug addiction manmatr'atrata na chetnut siha. I gubietnamentu, l'ao, ha sosohyu' i emple'ao siha ni manggai problema ni drugs pat atkahot para u ma'usa tod'u i guaha na resources ni para u sinatba i prubleman-'niha 'antis di atyu na problema siha u faninafekta i che'chu'-'niha.

(b) Difinision Siha

Para i hinangain esti na seksion, i sigienti na difinision siha u inaplika:

- (1) Aksidenti. Siak'asu na sinisedi
  - (i) M'atai aksidenti,
  - (ii) Irid'ao gi petsona ni ha nisisita professional medical treatment m'as at-scene first aid, pat
  - (iii) An economic loss, ingklusu i property damaged, m'aski \$2,500.00
- (2) Assessment. I detitminasion i inatdit i prubleman atkahot pat usun drug yan i analisa gi pusipbli na manera gi treatment, mafa'tinas ni expert gi field of substance abuse.
- (3) Breath Alcohol Concentration (B.A.C.). I mineggain atkahot gi hinagung ha ekspres i terms of grams gi atkahot kada 210 liters of breath kumu ma'indika ni evidential breath testing device (E.B.T.).
- (4) Breath Alcohol Technician (B.A.T.). Ma'atourisa i indbiyu'at para u rikohi i breath specimens gi papa' i subsection (g)(2) yan h'ayi mumaneneha i E.B. T.

- (5) Consulting Physician. I malisensia na physician mana'sâga pat ma'emple'a gi gubietnamentu para u fanpâgat gi drug testing.
- (6) Drug. I substance
- (i) Marekuknisa gi halum i official United States Pharmacopoeia, i official Hemeopathic Pharmacopoeia gi Istâdus Unidus, pat i official National Formulary, pat maseha hâfa na supplement para hâyi siha; pat
  - (ii) Ma'intendi para usu gi diagnosis, cure, mitigation, treatment pat pribension chetnut gi taotâo siha pat ottru gâ'ga'; pat
  - (iii) Ottru ki nengkannu', minerals, pat vitamins, ni ma'intendi para u afekta i structure pat hâfa na fungsion gi tatâotâo i taotâo pat ottru gâ'ga'; pat
  - (iv) Ma'intendi para usun i component gi hâfan attikulu ni ma'ispisifika gi subsection (b)(6)(i), (ii) pat (iii) gi sanhilu'. Devices pat ottru components, parts, pat accessories ni ti manmakunsidera na drugs gi papa' esti na difinision.
- (7) Evidential Breath Testing Device (E.B.T.). I device ni
- (i) Inaprueba ni National Highway Traffic Safety Administration (NHTSA) para evidential testing gi hinagung; yan
  - (ii) Gaigi gi NHTSAs Conforming Products List gi E.B.T.s; yan
  - (iii) Konfotma ni ispisifikasion mudelu ni guaha ginin i NHTSA, Ufisinan Atkahot yan State Programs.
- (8) Illegal Drug. I drug ni
- (i) Ti ma ahenta ligât; pat
  - (ii) Matungu' ma'usa para ottru ki mapreskribi hinangai pat
  - (iii) Disigner drug pat drug substance ni ti ma'aprueba para medical pat ottru usus ginin i U. S. Drug Enforcement Administratipn pat i U. S. Food yan Drug Administration.
- (9) Invalid Test. Hinagung pat me'mi' na tes ni madiklâra na invalid ginin i Medical Review Officer (M.R.O.), ingklusu i specimen ni ma-rejected para testing ni laboriu gi maseha hâfa na rason. I invalid test ti debi na u makunsidera maskiseha positive pat negative na risuttan tes.
- (10) Medical File. I file ha sasahguan i fotman i medical examination i emple'âo, mental health referrals, risuttan alcohol yan drug siha yan ottru dokumentu siha gi health related, maintained ginin i ufisinan Personnel Management siniparâo ginin i official personnel folder para i emple'âo.
- (11) Medical Review Officer (M.R. O.). I malisensia na mediku, ma'apunta ni gubietnu, gi iyon-ña specialized training gi substance abuse disorders yan gi ma'usa yan ebaluasion i risuttan i drug test. I M.R.O. debi na atyu ha' i ma'âoturisa na petsona para u risibi i risuttan laboratory drug test siha yan debi na i primary contact para i technical inquiries para i drug testing laboratory.

- (12) Risonâpbli na sinuspetchu. I perception sigun gi specific, contemporaneous, articulable observations sigun gi appearance. behavior, speech, pat i pao tâtâotâo gi indibiyuât pat gi specific na fâktu siha, circumstances, physical evidence, physical signs yan symptoms, pat gi pattern of performance pat behavior ni u caused i trained supervisor ni u reasonably conclude na i indibiyuât siña gaigi gi papa' i influence of alcohol pat illegal drugs gi durântin cho'chu'.
- (13) Safety-sensitive. Un palâbra ni ha deskribi i aktibidât siha ni direktamienti inafekta i sinâfu' un pat mâs na petsona siha, ingklusu i operation i kareta siha pat heavy machinery pat ha kâktaga i firearms. Kada dipattamentu, entity pat mâ'gas otganasion, ni dumanña' yan i Direktot Personnel Management, debi na u aidentifika todû pusision siha ni para u makunsidera safety-sensitive na pusision siha sigun gi kantidâ gi ora ni ha yuti' timpun-ña i emple'âo performing i safety sensitive na fungsion siha.
- (14) Statement of Fitness for Duty. I tinigi' na sinangan ginin i substance abuse professionals (S.A.P.), ha settifiku atyu na nâ'an emple'âo ni ti dependent gi atkahot pat maseha hâfa na drug gi para u ekstendi i dinipendi ni para u inafekta i sinâfu' yan prinuduktun cho'chu'.
- (15) Substance Abuse Professional (S.A.P.). I mediku, psychologist, psychiatrist, pat social worker ni gai tiningu' gi yan ekspirensia gi clinical gi halum i diagnosis yan treatment gi drug yan alcohol related disorders; pat masettifu na counselor ginin i National Association of Alcoholism yan Counselors Drug Abuse.
- (16) Gi papa' i influence. I kundision i behavior petsona, atension, pat abilidadâ para u fa'cho'chu' gi usual careful fasion ni mampus inafekta ginin inisan atkahot pat drugs; intoxicated.
- (17) Kareta. I device gi, sigun pat gi hâyi na petsona pat property ni pat siña ma-propelled pat ma-moved gi highway, gi waterway, pat kontra i airi.
- (c) Kondukta ni Maprohibi
- (1) Binendi, Finahan, Possession ni Ma'intensiona para u Mana'hânâo, pat Trinansferi i Illegal Drugs. Tâya' emple'âo siña
- (i) Binendi, finahan, pat trinansferi;
  - (ii) Machagi para u mabendi, mafâhan pat matransferi; pat
  - (iii) Ha chuchuli' ya ha intensiona para u na'hânâo, maseha hâfa na illegal drug gi anai gaigi gi propiadât gubietnamentu, gi maseha hâfa na karetan gubietnamentu pat gi maseha hâfa na bisnis gubietnamentu. Dinifendin esti na prubension na i emple'âo ni ma'imple'ani law enforcement agency yan iannuk i kondukta kumu pâtti gi emple'âo siha ni ma'nâ'i risponsâpblidât para i hinangain inimbistiga gi illegal drug trafficking.
- (2) Possession i Illegal Drugs. Tâya' emple'âo debi na u chuchuli' maseha hâfa na illegal drug gi propiu gubietnamentu, gi maseha hâfa na karetan gubietnamentu, pat mientras gagaigi gi bisnis gubietnamentu. Dinifendin esti na prubension na i emple'âo ni ma'emple'a ni law enforcement agency yan annuk kumu pâtti gi emple'âo siha na manâ'i risponsâpblidât siha para hinangai inimbistigasion illegal drug trafficking.

- (3) Yanggin un chuchuli' i mababa na sahguan atkahot. Tâya' emple'ão debi na fañuñuli' ni mababa na sahguan atkahot gi maseha hâfa na kareta gi durântin cho'chu' pat gi maseha gi hâfa na karetan gubietnamentu gi maseha hâfa na ora. Tâya' emple'ão debi na fañuñuli' ni mababa na sahguan atkahot mientras gagaigi gi che'cho'-ña.
- (4) Yanggin Mumaneska Atkahot pat Hinatmi ni Illegal Drugs. Tâya' emple'ão debi na u maneska atkahot pat maseha hâfa na illegal drug anai gaigi gi che'chu', pat u hânão para i che'chu' ni atensiona para u fa'cho'chu'. Kumu ma'usa guini na subsection, atkahot ingklusu maseha hâfa na atkahot ni masodda' gi maseha hâfa na prescription pat non-prescription drug tâtkumu âmut lo'lu'. U masuspetcha na emple'ão na mumaneska atkahot pat hinatmi na illegal drug yanggin
- (i) I emple'ão gai B.A.C. gi 0.02 pat mås;
  - (ii) I emple'ão gai detectable na kantidân maseha hâfa na illegal drug gi mime'-ña.
  - (iii) I emple'ão ha usa atkahot pat maseha hâfa na illegal drug gi durântin on call gi anai ha tungu' na siña ma'âgang para u cho'gui i safety-sensitive functions;
  - (iv) I emple'ão ha usa atkahot pat maseha hâfa na illegal drug gi durântin i kuâttru oras ântis di u ripot gui' para i che'chu' yan ha ekspekta para u cho'gui i safety-sensitive duty.
- (5) Rinunsia para Mates. Tâya emple'ão madimânda para u mates ni drugs pat atkahot gi papa' hâfa na prubension gi esti na seksiona na debi na u rinunsia para u mates. I sigienti na kondukta debi na u makunsidera i rininunsia para u mates.
- (i) Ha rinununsia gi tinigi' para u na'hâlum i tines dispues di rinisibi klâru yan ispisifiku na nutisian tinigi' gi dinimânda para mates.
  - (ii) Ha rinununsia sumângan, gi me'nân putlumenus dos na tistigu siha, para u na'hâlum para tines dispues di rinisibi klâru yan ispisifiku na nutisian tinigi' gi madimânda para mates.
  - (iii) Ti kumumpli gi ora para u pribeniyi sufisienti na specimen para mates, sin valid medical explanation, dispues di rinisibi klâru yan ispisifiku na nutisian tinigi' ni madimânda para mates. I M.R.O. pat i consulting physician debi na u detitmina yanggin guaha hâfa na rason medikât ni ti ha kumpli para u pribeniyi sufisienti sample me'mi' (shy bladder) pat sufisienti na sample hinagung (shy lung);
  - (iv) Sâsâonão gi kinundukta na klâru i obstructs i kuleksion specimen process;
  - (v) Linaisin para u sâga para i post-accident na tines, pat ha dingû i lugât aksidenti ântis di macho'gui i disision ni i tes. I emple'ão siña ha dingû i lugât i aksidenti solu para u ahenta i nisisâriu na medical care pat inasisti gi rinispuesta gi aksidenti. Yanggin ha dingû i emple'ão i lugât i emple'ão debi na u nutisia i iyon-ña supervisor ni mânu gui' na gaigi yan rason ni para u dingû i lugât.
  - (vi) Gumimin atkahot pat illegal drugs dispues di aksidenti yan ântis di u macho'gui i disision ni i tes.
  - (vii) Linaisin para u ripot, gi durântin oran cho'chu' gi anai masusedi i aksidenti, i aksidenti ni siña ha' inafekta i risuttan disision ni i tes; yan
  - (viii) Linaisin para u ripot ni para i kuleksion specimen gi site dispues ni imfotma ni dinimânda para mates.

- (6) Mannâna'i Lachi na Imfotmasion. Tâya' emple'âo debi na u fannâ'i lachi na imfotmasion put i specimen me'mi' pat para u chagi muna'bâba pat u tulaika i specimen.
- (7) Rininunsia para u Comply i Rekomendasion i Treatment siha. Tâya' emple'âo debi na ti u comply yan i rekomendasion siha para i treatment pat after-care ni mafa'tinas ni M.R.O. pat i S.A.P. kumu consequences gi prior positive drag pat i risuttan i tes atkahot.
- (8) I Ti Kumumpli para u Nutisia i Gubietnamentu ni Conviction. Tâya' emple'âo debi na ti u nutisia i Direktot Personnel Management gi maseha hâfa na criminal drug statute conviction, gi halum singku dihas tât conviction, yanggin i violation i criminal drug statute ni masusedi mientras i emple'âo ha kondudukta i bisnis Commonwealth, pat mientras gi pat u'usa i propiadât Commonwealth.
- (9) Responsâpblidât i Supervisors ni Kunfidensiât. Tâya' employer siña na u disregard i diretchun konfidensiât i emple'âo gi manera siha ni put i atkahot pat drug testing pat lâo ha diskuida gui' ni responsâpblidât-ña guini gi papa' esti na seksiona.

(d) Pena yan Risuttu Siha

- (1) Disciplinary Action. I emple'âo ni ha kumimiti hâfa na aksion ni maprohibi ni subsection (c) debi na masuhetu para i propiu na fotman discipline, dipendi gi circumstances.
  - (i) Henerâtmienti. Anai i emple'âo ha kumiti aksion ni maprohibi gi subsection (c) sin ti mâolik na rason, i emple'âo debi na u ma-discipline hulu' asta yan ingklusu mana'suha. Gi mâs menus, i emple'âo debi na u risibi formal reprimand. Yanggin i maprohibi na aksion makumiti ginin i emple'âo ha eksplika gi ma'usa pat possession i atkahot pat illegal drugs, debi i emple'âo na u riferi gi S.A.P. para i assessment yan treatment.
  - (ii) Primet isâo, mumaneska. I emple'âo masodda' na mumaneska; atkahot pat illegal drugs ha kontra i subsection (c)(4), gi primet isâo, ti debi na u masuhetu para u mana'suha solu put mumaneska pat put illegal drugs. Lâo, yanggin i petsona sâonâo lokkui' gi aksidenti ni dipendi gi sichuasion siha, i employer siña ha disidi na u initiate i disciplinary action ni para u mana'suha, maskiseha gi primet isâo.
  - (iii) Siri'osu na isâo siha. I sigienti na aksion siha, achuk ha' i primet na isâo, siempri ha risutta insigidas i disciplinary action ni para u mana'suha:
    - (A) I binendi, finahan, ha mantietini ni ha intensiona para u na'hânâo, pat u matransferi i illegal drugs, pat ma'intensiona para u mabendi, mafâhan pat matransferi i illegal drugs ni kinentra i subsection (c)(1);
    - (B) Sumâonâo gi aksidenti ni rinisusutta finatai gi anai bulâtchu pat i illegal drugs ni kinentra i subsection (c)(4);
    - (C) Mientras machocho'gui yan pã'gu para macho'gui i areklu siha gi sinâfu' sensitive position, ni bulâtchu ni atkahot pat illegal drugs, ni kinentra i subsection (c)(4);
    - (D) Ti madispensa i ruminunsai ni para u mates, ni kinentra i subsection (c)(5);

- (E) Nina'en latchi na imfotmasion, tinatatmi pat ha chachagi para u tâtmi i sample me'mi', ni kinentra i subsection (c)(6);
  - (F) Ti manutisia i propiu na âoturidât i conviction para i drug offense ni kinentra i subsection (c)(8);
  - (G) Testing positive ni atkahot pat illegal drugs gi halum i singku âñus gi finene'na na positive test; yan
  - (H) Kinentra gi maseha hâfa na tema yanggin ha bira gui' tâtti para i kuntrâtan cho'chu' ni mafitma gi papa' i prubension siha gi subsection (e)(2).
- (2) Imfotmasion ni Concerning Treatment Options. Atyu na emple'âo siha ni ti mana'fansuha ginin i sitbision gubietnamentu dispues di makumiti hâfa na aksion ni mapruhibi gi subsection (c) debi na u ma'imfotma ni u guaha resources para manebalua yan mansâtban problema siha ni mamparehu yan i usun atkahot pat illegal drugs. Gi mâs menus, i Ufisinan Personnel Managements Alcohol yan Drug Free Workplace Coordinator debi na u nâ'i ni na'an i address siha yan i numirun tilifon gi local S.A.P.s yan substance abuse counseling pat prugrâman treatment. I emple'âo siempri madimânda para u kumpli todû i manma'ispisifika na pâsu gi treatment ântis i u makunsidera na esta listu ni para u bira gui' tâtti gi che'chu'.
- (3) U Ripot guatu gi Dipattamentun Sinâfu' Pupbliku. I emple'âo ni ha kumimiti maseha hâfa na aksion mapruhibi ni subsection (c)(1) pat (c)(2) ya debi na u maripot, ni employer, guatu gi Dipattamentun Sinâfu' Pupbliku para hinangain criminal prosecution yanggin pusipbli.
- (4) Duty/Pay Status Pending Disciplinary Action. Solu i emple'âo sâonâo gi aksidenti ni rinisusutta finatai, i emple'âo u masuhetu para i disciplinary action ni ha kumimiti hâfa na aksion ni mapruhibi ni subsection (c), solu i subsection (c)(7), ya debi na u masedi ni job pending resolution gi hâfa i maproponi na disciplinary action lâo ti debi na u masedi para u cho'gui i safety-sensitive function, maskiseha yanggin atyu kumeke'ilekña na madisisikna i emple'âo ni opbligasion siha i emple'âo ti diputsi sino na u chocho'gui. I emple'âo u masuhetu para i disciplinary action put ha kumimiti hâfa na aksion ni prinuhibi ni subsection (c) ni mañâonâo gi aksidentin finatai ya u mapega gi leave without pay gi pending resolution gi disciplinary action ni para u mana'suha.
- (e) Manera Siha ni para u Bira Tâtmi gi Che'chu'
- (1) Prerequisites para u Bira Tâtmi gi Che'chu'. Tâya'emple'âo ni mates positive ni ginaigin atkahot pat illegal drugs debi na u masedi para u bira gui' tâtti gi che'chu' estaki i emple'âo gai:
- (i) Kinimpli ni rikumendasion i treatmen siha ni M.R.O. pat S.A.P. ya mana'hânâo para i che'chu' ni i S.A.P. gi kunsuttasion, anai propiu, yan i M.R.O. pat i kunsuttasion mediku;
  - (ii) Mates negative ni manatattiyi na tes ni ma'apâsi ni emple'âo ni ginaigi i atkahot, yanggin i mana'suhâña gi che'chu' put i inisan atkahot; pat cocaine, marijuana, opiates, amphetamines, yan phencyclidine, yanggin mana'suha ginin i opbligasion put i usun drug; yan
  - (iii) Kuntentu para u execute i kuntrâta na u bira guatu gi opbligasion.

- (2) Mabira para Duty Contract. I mabira na duty contract debi na u ingklusu i sigienti na prubension siha:
- (i) Aftercare. I kuntrâta na para u makumpli i aftercare yan u matattiyi i rekomendasion i treatment siha gi unu asta singku âñus, kumu madetitmina i apropositu ni emple'âo siha S.A.P.;
  - (ii) Follow-up testing. I kuntrâta ni para ti u ma'anunsia i tes atkahot pat drug, dipendi gi substance ni rinusutta gi mana'suha ginin opbligasion, inapâsi ni emple'âo , para unu asta singku âñus, kumu madetitmina na apropositu ni emple'âo siha S.A.P., lâo siempri tâya' menus ki sais na tes siha gi primet sâkkan dispues di ha bira gui' tâtti gi che'chu';
  - (iii) Kinimplin areklamentu siha. I kuntrâta ni para u makumpli areklamentun gubietnamentu siha, areklu siha, yan manera siha ni uma'achuli' para i employment;
  - (iv) Tema. I kuntrâtan i tema siha gi contract manifektibu para singku âñus dispues di mabira i opbligasion; yan
  - (v) Breach of contract. I kuntrâta ni ha kontra i binira para i duty contract ma-grounds para i tetminasion.

(f) Testing Occasions

- (1) Pre-employment Testing. Gi oran aplikasion, i petsona ni manapliplika gi maseha hâfa na pusion gi halum i excepted service para u manutisia ni hâfa ma'ufresi gi employment dipendi gi negative i tes me'mi'. Dispues i marisibi i inufresi gi employment, i kandidâtu debi na u mates para i ginaigin i cocaine, marijuana, opiates, amphetamines, yan i phencyclidine gi halum i me'mi'. I tes debi nu inapâsi ni kandidâtu. I testing debi na u kinimpli ni subsection (h), gi sampapa'. I aplikânti siha ni ginin manma'emple'a gi gubietnamentu yan i aplikânti siha ni manma'ufresi government employment ni malaknus siha put i ma'pus ni positive i risuttan i tes me'mi', debi lokkui' na u pribeniyi written release ni historian i drug testing para dos âñus insigidas ni tinattitiyi ni fetchan aplikasion.
- ( i ) Tâya' nuebi gi excepted service na kandidâtu siña madisikna para u facho'chu' gi hâfa na pusion astaki mapresenta ni risutta siha ni tes me'mi', machuli' dispues di ma'ufresi employment ni macho'gui, ni a'annuk negative para i ginaigin cocaine, marijuana, opiates, amphetamines, yan i phencyclidine.
  - (ii) Yanggin i risuttan i kandidâtu positive gi ginaigin i mates drug, sin i lihitimu na eksplanasion, i ma'ufresi na employment para u malaknus.
  - (iii) Yanggin i kandidâtu ha presenta i historian i drug testing ya positive i drug tes gi halum i dos âñus ântis di fetchan i aplikasion, i ma'ufresi na employment para u malaknus solu i kandidâtu ha na'hâlum i statement of fitness para opbligasion yan malagu' para u execute i kuntrâta uma'achuli' yan i return to duty na kuntrâta ni madiskribi gi subsection (e)(2).
- (2) Risonâpbli na Sinuspetchu gi Tes. Gi anai guaha risonâpbli na sinuspetchu na i emple'âo mumaneska pat drugs gi durântin cho'chu' pat para u tutuhun macho'chu', guiya debi na'hâlum i breath pat tes me'mi' para i ginaigin atkahot, cocaine, marijuana, opiates,

amphetamines, yan phencyclidine, gigun mǎttu i nutisian tinigi' ginin i supervisor i emple'áo. Solu kumu mapribeniyi, i gubietnamentu para u apási i testing.

- ( i ) Properly trained supervisor. Solu i supervisor ni inaprueban-gubietnamentu na training gi physical, behavioral, yan performance indicators gi probable drug yan alcohol use mapetmiti para u machuli' i disision siha gi risonáppli na sinuspetchu ni testing.
  - (ii) Objective inquiry. I ma-trained propiu na supervisor para u observe i emple'áo ni masuspetcha na mumaneska atkahot pat illegal drugs. I disision para u mafaisin na u mates sigun gi ripot siha ni lumi'i', fǎktu siha gi sinisedi yan ma'-observed physical yan behavioral characteristics gi emple'áo. Ántis di u mafa'tinas i disision para u madimánda testing, i supervisor para u kuestiona i emple'áo gi halum i private area para u na'siguru káo guaha háfa na rason siha ottru ki atkahot pat drug use para háfa na behavior ni mali'i'.
  - (iii) Verification. Tǎya' emple'áo debi na u madimánda para u na'hálm i drug pat alcohol test sigun gi risonáppli na sinuspetchu solu manisisita para u ma-verified ni sigundu na emple'áon gubietnamentu ni propiu ma-trained. I gǎnna tǎtti i verification debi na u macho'gui petsonátmienti.
  - (iv) Asistensian transpottasion. Debi i emple'áo na u maga'chungi para i collection site ni supervisor pat manager, yan debi na u mapribeniyi transpottasion para i gima' ginin i collection site. Yanggin ha rinunsia gui' pat ha dimánda i indibiyuát na para u sugun i karetá-ña, i supervisor pat i manager debi na u nutisia i Dipattamentun Sináfu' Pupbliku.
  - (v) Duty pending ni risuttan i tes siha. Estaki i risutta siha gi drug yan i tes atkahot manngumplidu ya ma-verified, tǎya' emple'áo mates sigun gi risunáppli na sinuspetchu debi na cho'gui pat u kuntuha chumo'gui i safety-sensitive duty.
  - (vi) Ripot. I supervisor ni mano'odin risunáppli na sinuspetchu gi tes debi na u tugi', gi kabális, i fǎktu siha ni fuma'nunu'i ni disision. Esti na ripot debi na u makunsidera na konfidensia yan u ma-maintained gi halum i empee's medical file, ni konfidensiát, estaki manisisita para disciplinary action. Atyu ha' na ora i ripot na u mapo'lu gi halum i employee's official personnel folder.
- (3) Post-accident Testing. Gigun kumu praktikát i aksidenti gi háyi na emple'áo ni aksion pat tai aksion siña man-contributed gi aksidenti na debi na u na'hálm para i breath yan i tes i me'mi' siha gi para i ginaigin i atkahot, cocaine, marijuana, opiates, amphetamines, phencyclidine, gigun mǎttu i nutisia ginin i supervisor i emple'áo. Solu kumu mapribeniyi, i gubietnamentu para u apási i tes.
- (i) Supervisor training. I supervisor ha' ni inaprueba ni gubietnamentu na training gi physical, behavioral, yan performance indicators gi probable drug yan alcohol use mapetmiti para u mafa'tinas i post-accident na disision siha gi tes.
  - (ii) Objective inquiry. Disision i supervisor para u famaisin ni tes debi na based gi eye witness na ripot siha, fǎktu gi masusedi, yan ma'adu' i physical yan behavioral characteristics gi emple'áo. Ispisifikátmienti, i propiu ma-trained na supervisor debi na u dimánda i draiba gi háfa na karetan gubietnamentu pat operator gi equipment gubietnamentu sáonáo gi aksidenti para u mates.



- (iii) Inasistin transpottasion. I supervisor pat i manihânti debi na u isgaihun i emple'áo para i lugât kuleksion, yan debi na u mapribeniyi transpottasion para i gima' ginin i lugât kuleksion. Yanggin ha rinunsia gui' i indibiyuât ya ha dimânda para u sugun ha' i karetã-ña, i supervisor pat i manihânti debi na u nutisia i Dipattamentun Sinâfu' Publiku.
  - (iv) Duty pending ni risuttan i tes siha. Estaki i risuttan i tes gi drug yan atkahot mangkumplidu yan ma-verified, tâya' emple'áo ni masuspetcha na risonâpbli ni u gaigi gi papa'i influence of alcohol pat drugs guihi na tiempu gi aksidenti debi na u masedi para u cho'gui pat u kuntuha chumo'gui i safety-sensitive duty.
  - (v) Ripot. I supervisor ni mano'odin ni post-accident testing debi na u pega gi tinigi', kabâlis, i fâktu siha ni tinattitiyi i disision. Esti na ripot debi na u makunsidera na kunfidensiât yan para u mapega gi halum i medical file emple'áo na u kunfidensiât, estaki manisita para disciplinary action. Atyu ha' na ora i ripot na para u mapo'lu gi employee's official personnel folder.
- (4) Random Testing. Gi durântin kada sâkkan katkuet ha'na emple'áo ni ha chocho'gui i safety-sensitive functions para u madimânda na u na'hâlum i breath tests gi atkahot yan i tes me'mi' para i cocaine, marijuana, opiates, amphetamines, yan phencycline. I testing para u macho'gui gi durântin cho'chu'. Solu kuma mapribeniyi, i gubietnamentu para u apâsi i tes.
- (i) Maneran Sileksion. I emple'áo siha para u fanma'atyik gi stastically valid method tâtkumu i random number table pat computer-based random number generator ni u matya yan i numirun social security i emple'áo, payroll identification numbers, pat ottru comparable na identifying numbers.
  - (ii) Numiru para u fanmates. Ti mâski bentisingku put sientu gi todú emple'áo siha ni chumocho'gui i safety-sensitive functions gi kada dipattamentu pat ahensia kada sâkkan na debi na u madimânda para u mana'hâlum i breath alcohol testing yan tâya' mâski singkuenta put sientu debi na u madimânda para mana'hâlum i urine testing. Gi mina'gâhit na percentage para u madititmina gi tutuhun i kada fiscal na sâkkan para kada dipattamentu pat ahensia gi Ufisinan Personnel Managements Alcohol yan Drug Free Workplace Coordinator, ni kunsuttasion i employer yan i M.R. O. dispues di maribisa i dipattamentu pat ahensia prior positive testing rates, risonâpbli na suspetchu yan post-accident events, yan referrals for service.
- (g) Collecting yan Testing Breath Specimens
- (1) Lugât Kuleksion. Breath specimens debi na u marikohi gi ma'aprueba na lugât ni Direktot Personnel Management pat gi lugât aksidenti yanggin propiu i equipment yan i personnel anai siña mafa'tinas insigidas gi anai available.
  - (2) Collection Protocol. Solu i B.A.T. ha' debi na u rikohi i breath specimens ni ma-trained gi kuleksion i breath specimens gi anai ma'aprueba ginin i United States Department of Transportation sigun gi standard collection protocols kumu ma'ispesifiku gi 49 CFR, Pâtti 40(C) Manera siha gi Transportation Workplace Drug Testing Programs – Alcohol Testing, solu kumu mapribeniyi gi halum esti na seksiona. Lâo, i M.R.O. pat i consulting physician, yanggin magâgâo, siña ma'asisti gi facilitating i collection for post-accident testing.

- (3) Kinunfotman Tes. I breath specimens debi na finene'na u masuhetu para i screening test gi atkahot. Yanggin atyu na tes ha indika i probable breath alcohol concentration gi 0.02 pat mäs, i sigundu na test ni ha kunfotma i primet yan ha na'guahahayi quantitative data of alcohol concentration, ya debi na u macho'gui. Tãya' tes atkahot debi na u makunsidera positive solu parehu i dos na screeing test yan i conforming test na annuk i B.A.C. gi 0.02 pat mäs.
- (4) Risutta Siha. I breath tests debi na u transmiti ni B.A.T., gi manera para u mana'siguru na konfidensiät, para i emple'ão, para i employee's employer, yan para i Direktot Personnel Management.
- (5) Konfidensiätmenti. Ottru ki ma'ispesifika gi sanhilu', ni un petsona ni sumãonão gi testing process debi na u fannã'i ni risuttan i breath tests gi maseha hãyi na indibiyuät sin tinigi' petmisu ginin i emple'ão ni mates.
- (6) Ti bãli na Tes. Yanggin i Direktot Personnel Management ha detitmina na ti bãli i tes, ni ma'u'usa i factors ni masodda' gi 49 CPR, Pãtti 40.79, i risuttan i tes debi na u maripot kumu negative.
- (7) Statistical Reporting. I B.A.T. debi na u mana'fandanãa i statistical data ni ti manisipisifiku manmanã'i nã'an, ni u ma'achuli' i risutta siha gi testing. I B.A.T. debi na u na'hãnão i stational data guatu gi Direktot Personnel Management gigun magãgão.

(h) Collecting yan Testing Urine Specimens

- (1) Lugät Kuleksion. I urine specimens debi na u marikohi solu gi lugät ha' ni ma'aprueba ni apropositu na ahensian gubietnamentu, yan i ma'aidentifika ni Direktot Personnel Management.
- (2) Collection Protocol. I urine specimens debi na u marikohi ni petsona siha ni ma-trained gi collection process ni macho'gui ni Substance Abuse yan Mental Health Service Administration, i United States Department of Health yan Human Services, sigun i standard collection protocols kumu ma'ispisifiku gi 49 CFR, Pãtti 40(B), Manera siha para i Transportation Workplace Drug Testing Programs - Drug Testing, solu kumu mapribeniyi gi esti na seksiona. Lão, i M.R.O. pat i consulting physician, yanggin maggãgão, siña ma'asisiti gi facilitating i collection for post-accident testing.
- (3) Splitting Sample.
  - (i) Dispues di rinikohi i sample me'mi' emple'ão, i sample para u madibidin dos na specimens. Parehu i specimens para u mana'hãnão para i laboriu ni ma'atyik para u macho'gui i tests para i gubietnamentu.
  - (ii) Unu na specimen, ma'ã'agang i primary specimen, debi na u mates para i gubietnamentu. I ottru na specimen, ma'ã'agang secondary specimen, ya debi na para propiadãt i emple'ão, para u mates ha' sigun gi finaisin i emple'ão.
- (4) Kininfotman i Tes. Primary urine specimens debi finene'na u masuhetu para i screening tes. Solu yanggin i screening tes annuk na positive gi ginaigin i mapribi na drug, ya i sigundu ni makundukta gi parehu na urine specimen ni para u ma'aidentifika i ginaigin i specific drug pat metabolite, using a gas chromatography/mass spectrometry (GC/MS) test. Tãya' drug tes debi na u makunsidera positive solu i screening tes yan i kininfotman i tes annuk i ginaigin i unu pat mäs mates na drugs ni.

- (5) Risutta Siha. I laboriu ni ha kundudukta i urine tes ni debi na u nã'i risutta siha gi solu i M.R.O. I M.R.O. ya debi na u diskuti i risuttan i tes gi indibiyuât ni mates.
- (6) Ti Binalin Tes. Yanggin i M.R.O. ha disidi na i tes ti bumãli, i kandidãtu debi na insigidas u na'hãlum ottru na urine specimen para i testing.
- (7) Tes Emple'ã. Yanggin i gubietnamentu na tes annuk na positive i ginaigin i ispisifiku na drug pat drugs, i emple'ã siña mamaisin ni i M.R.O. na u guaha secondary specimen tested gi ottru nalaboriu ni masettifiku ni United States Department of Health yan Human Services, ni para i ginaigin i drug pat drugs ni masodda' gi halum i primary specimen.
- (i) I emple'ã debi na u fa'tinas finaisin gi tinig', gi halum i 72 hrs ni ha risibi i nutisian i risutta gi tes gubietnamentu.
- (ii) I risuttan i sigundu na tes debi na u manã'i i M.R.O. ni siña madiskuti i risutta gi emple'ã.
- (iii) I emple'ã debi na u apãsi i gãstun i sigundu na tes.
- (8) Ottru Manera na Eksplanasion gi Positive na Risuttan Tes.
- (i) Gigun i rinisibin i ripot gi positive na risuttan tes i M.R.O. debi na u detitmina kão guaha alternative medical na eksplanasion gi risutta ingkluklusu i ma'usan i mapreskribi na åmut emple'ã. Tãt detitminasion debi na u magiha gi imfotmasion ni marisibi ginin i emple'ã tãtkumu i mates na indibiyuât sihag i medical history yan records. Yanggin i M.R.O. ha detitmina na nisisãriu na u siña manggãgão pertinent analytical records ginin i laboriu pat u madimãnda i re-analysis gi specimen.
- (ii) I M.R.O. debi na u ripot i risuttan urine tes kumu negative yan debi na u chuli' tãya' na aksion yanggin ha detitmina:
- (A) Guaha legitimate medical explanation para i risuttan tes positive ki ottru na usun specific drug; pat
- (B) Sigun gi rinibisan i ripot laboratory inspection siha, i kuãlidãt na assurance yan qualidãt na control date, yan ottru risuttan tes drugs, i risuttan i tes positive scientifically insufficient para mãs na aksion.
- (9) Illegal Use of Opium. Yanggin i GC/MS ti ha kunfitma i ginaigin i 6-monoacetylmorphine; i M.R.O. debi na u detitmina kão guaha clinical evidence, yan mãs gi para i risuttan i tes me'mi', i illegal use gi maseha hãfa na opium, opiate pat opium derivative.
- (10) Ripot para i Gubietnamentu. I M.R.O.) debi na u maripot todou positive yan negative na risutta siha gi urine drug test gi manera ni para u mana'siguru i kunfidensiãt, para i employer i emple'ã, yan para i Direktot Personnel Management.
- (11) I M.R.O. yan Kunfidensiãtmienti. Ottru ki ma'ispisifika gi sanhilu', i M.R.O. ti debi na u release i risuttan i drug tests gi maseha hãyi na indibiyuât sin petmisu ginin i emple'ã.
- (12) Statistical Reporting. I M.R.O. debi na u compile i statistical report ni ti mafa'na'an ispisifikãtmienti, ni ma'achuli' para i testing yan rehabilitation. I M.R.O. debi na u release i statistical data guatu gi Direktot Personnel Management anggin manggãgão.

(i) Employee Awareness yan Rehabilitation

- (1) Employee Awareness Training. Todu emple'ão debi na u marisibi imfotmasion sigun i effects yan consequences i drug yan alcohol use gi personal health, yan i bândan cho'chu'; i manifestations yan behavioral clues indicative of drug yan alcohol use; yan i resources ni guaha para i emple'ão gi ma'ebaluluha yan mañãñatba problema ni associated yan i usun illegal yan legal drugs yan atkahot.
- (2) Emple'ão siha ni Manaliligão asistensian Buluntãriu. I emple'ão gubietnamentu siha debi na u masedi para u buluntãriu gi asistensia para i ma'usan i atkahot pat drug gi maseha hãfa na ora ântis di u madimãnda para u mates gi papa' i risonãpbli na sinuspetchu, post-accident pat random testing procedures.
  - (i) Riniferi Siha. I emple'ão siha siña mamaisin referral gi S.A.P. para i treatment, siña ma riferin maisa siha, pat siña manriniferi ni supervisor kumu pãtti gi performing counseling. Tãtkumu i riniferi siha debi na u macho'gui kumu patti gi employee's medical file yan ti debi na u pãtti gi employees official personnel folder. I riniferi siha debi na u kunfidensia.
  - (ii) Riniferin buluntãriu siha. Emple'ão siha ni mambuluntãriu manaligão asistensia gi dealing yan i prubleman drug yan atkahot siha pat ma'aksepta i riniferi siha, ântis di job performance is comprised, debi na u mapribeniyi ni parehu na leave benefits para i marekumenda na treatment kumu mapribeniyi para hãfa ottru na prubleman health.
  - (iii) Accountability gi job performance. Maskiseha gi pattisipasion gi pat finaisin para riniferi siha, i emple'ão siha debi na u hold accountable para i inakspetan job performance. Gi tãya' na manera ni mãnu i job performance ni ma-compromised para i disciplinary action u ma-waived para i emple'ão siha ni manggãgagão asistensia yan riniferi. Lão, i ginagão siña makunsidera i mitigating factor gi dinititminan apropositu na fotma gi discipline.
- (3) Job Security Maintained. I emple'ão siha ni tãya' job security pat promotional opportunities jeopardized solamienti sa' put i ginagão para i riniferin drug pat atkahot treatment.
- (4) Dokumentasion ni Madimãnda. Riniferin buluntãriu pat riniferi siha ni mafa'tinas ântis di testing manmapega rektu gi konfidensiãt, dokumentasion i poor performance pat disciplinary actions trãta kumu drug pat atkahot abuse ya debi na u ingklusu gi halum i official personnel folder i emple'ão.

(j) Dissemination Imfotmasion gi Regulacions

- (1) Distribution para Emple'ão siha. Todu prisenti na emple'ão siha debi na u risibi kopian i regulacions gi halum esti na seksiona putlumenus trenta(30)dahas ântis di fetchan implimentasion. I man nuebu na emple'ão ni manma-hired dispues di fetchan ifektibu gi esti na areklu para u fanmanã'i kopian esti na areklu gi halum esti na seksiona gi oran anai ma-hire. Kada emple'ão debi na u fitma i fotmani mapreskribi ni ginin i Direktot Personnel Management ni ha acknowledges i marisibin i areklu yan ha kumprendi i emple'ão upbligão gui' gi esti na areklu. Esti na acknowledgment debi na u mapega gi halum i official personnel folder i emple'ão.

- (2) Pinega. I regulasion siha gi halum esti na seksiona para u fanmapega gi todú government workplaces putlumenus sisienta(60)dahas ni tinattitiyi implimentasion-ñiha.
- (k) Record Retention yan Reporting Requirements
- (1) Administrative Records. Records ni mana'achuli' yan i atministrasion gi areklu gi halum esti na seksiona, ingklulusu i areklu yan i prugrãman development, employee awareness training, supervisory training, collection site training, program administration, yan calibration documentation, debi na u fanmapega ni Direktot Personnel Management yan i M.R.O. para singku añus.
- (2) I Records ni Mana'achuli' yan i Collection Process. I records ni mana'achuli' yan i breath yan urine collection process debi na u fanmapega ni Direktot Personnel Management, i M.R.O., yan i specimen collector gi collection site para dos añus.
- (3) Refusals, Referrals yan Risuttan Test Siha. I Direktot Personnel Management debi na u famo'lu kopia gi todú records of refusals ni para u mates, breath yan me'mi na risuttan tes siha, yan riniferi siha para i S.A.P. gi medical file i emple'ão, ti i official personnel folder i emple'ão, putlumenus estaki mãttu i ora kumu i disciplinary action. I M.R.O. debi na u famo'lu kopia gi todú risuttan tes me'mi' yan i B.A.T. debi na u famo'lu kopia gi todú i risuttan tes breath gi manera ni para u mana'siguru i kunfisidensiãtmienti. Tãya' risuttan tes siha debi na u guaha para usu gi criminal prosecution gi emple'ão sin kunsitimientun i emple'ão siha.
- (i) Positive test result records, records of refusals ni para u mates para i S.A.P. na debi na u fanmapega singku añus.
- (ii) Negative test resent record ni debi na u mapega para un añu na tiempu.
- (4) Report to Federal Contract Agency. Para u comply yan i Drug Free Workplace na Åktu gi 1988, 41 U.S.C. 701(a)(1)(E), i Direktot Personnel Management debi na u nutisia i federal contracting agency ni conviction maseha hãyi na emple'ão ni mambebendi, manufacturing pat dispensing maseha hãfa na illegal drug gi government business property pat gi oran gubietnu, gi halum i dies dihas na conviction.



## COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

**Eloy S. Inos**  
Governor

**Jude U. Hofschneider**  
Lieutenant Governor

### EXECUTIVE ORDER No. 2013-11

#### DECLARATION OF HEALTH EMERGENCY

**WHEREAS**, the Commonwealth Healthcare Corporation (“CHC”) provides the bulk of necessary healthcare in the Commonwealth, as well as providing all emergency medical services; and

**WHEREAS**, the disruption of the provision of medical services by the CHC poses a direct threat to the health and safety of the people of the Northern Mariana Islands; and

**WHEREAS**, the CHC is currently in arrears to payments to vendors providing vital services, equipment and supplies including critical medical supplies; and is in arrears in regards to salary payments to necessary employees; and

**WHEREAS**, CHC financial condition affects its ability to maintain adequate infrastructure, equipment and personnel such that it is jeopardizing CHC’s federal funding; and

**WHEREAS**, CHC, in 2012 had been notified by federal authorities that, due to deficiencies in CHC operations and infrastructure, CHC will cease to be eligible for Medicare/Medicaid payments along with other penalties if the deficiencies are not promptly remediated.

**WHEREAS**, CHC, was given a temporary reprieve by the federal authorities, a final decision on CHC eligibility for Medicare/Medicaid payments is quickly approaching such that prompt steps need to be taken to meet the federal requirements or Medicare/Medicaid funding will be ended.

**WHEREAS**, the termination of Medicare/Medicaid funding will lead to the termination or reduction of many of the medical programs and services provided by CHC leading to an increase in otherwise preventable deaths, illness and injury.

**WHEREAS**, the management of CHC is unstable given the recent termination of the Chief Executive Officer of CHC and no permanent chief Executive Director having yet been appointed such that it may hinder CHC’s ability to meet federal requirements.

**WHEREAS**, Article III §10 of the Constitution of the Commonwealth and PL 18-4, § 104 of the Homeland Security and Emergency Management Act of 2013 provide that the Governor has the authority and duty to take necessary steps to respond to impending disasters;

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**NOW THEREFORE**, I, JUDE UNTALAN HOFSCHEIDER, pursuant to the authority vested in me as Acting Governor of the Commonwealth of the Northern Mariana Islands by Article III, § 10 of the Commonwealth Constitution and PL 18-4, do hereby declare a State of Significant Emergency for the Commonwealth of the Northern Mariana Islands due to the imminent threat of the disruption of critical medical services in the Commonwealth and the danger that such a condition poses to the public because of the great increase in otherwise preventable deaths, illness and injury that would result.

**WHEREAS**, BY THIS DECLARATION OF A STATE OF SIGNIFICANT EMERGENCY, I intend to enable CHC to continue to provide necessary services to the people of the Commonwealth. This Declaration is necessary to protect the health and safety of all CNMI residents and visitors.

**NOW, THEREFORE**, I hereby invoke my authority under Article III, § 10 of the Commonwealth Constitution and PL 18-4 § 104(c), to take all necessary measures to address the threats facing the Commonwealth of the Northern Mariana Islands and CHC including, but not limited to, the authority to:

1. Suspend all statutory or regulatory provisions as required; and
2. Utilize all available resources of the Commonwealth government and its political subdivisions as reasonably necessary to respond to the emergency.

It is hereby **ORDERED** that:

This Declaration of a State of Significant Emergency shall take effect immediately and all memoranda, directives, and other measures taken in accordance with this Declaration shall remain in effect for thirty (30) days from the date of this Executive Order unless I, prior to the end of the thirty (30) day period, terminate the declaration of a state of significant emergency. *See* PL 18-4, § 104(g).

Under the authority of this Declaration and with the goal of mitigating or ameliorating the above described crises, I immediately direct the following:

**Directive 1:** All of the executive power of the CHC shall be exercised either by me or by my designated Executive Director.

**Directive 2:** To ensure that the suspension of regulatory provisions does not lead to financial abuse, this emergency declaration incorporates the March 19, 2012 Memorandum of Understanding (MOU) between CHC and the Department of Finance, Office Management and Budget, and Office of the Attorney General. In addition, any financial reports submitted by the CHC pursuant to the MOU must be submitted with a certification of the person submitting them stating that the reports are a full and accurate under penalty of perjury.

The above described Directives are in no way meant as the limits of actions or authority under this Declaration. Accordingly, I reserve the right under this Declaration to issue any and all directives necessary to prevent, mitigate or ameliorate the adverse effects of the emergency.

Done this 30<sup>th</sup> day of May, 2013



\_\_\_\_\_  
JUDE UNTALAN HOFSCHEIDER  
Acting Governor





**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

**Eloy S. Inos**  
Governor

**Jude U. Hofschneider**  
Lieutenant Governor

**EXECUTIVE ORDER NO. 2013- 12**

**SUBJECT: DECLARATION OF A STATE OF SIGNIFICANT EMERGENCY**

**AUTHORITY:** I, ELOY S. INOS, pursuant to the authority vested in me as Governor of the Commonwealth of the Northern Mariana Islands by Article III, § 10 of the Commonwealth Constitution and PL 18-4, § 104 of the Homeland Security and Emergency Management Act of 2013, do hereby declare a State of Significant Emergency for the Commonwealth of the Northern Mariana Islands due to the imminent threat of the inability of the Commonwealth Utilities Corporation ("CUC") to provide critical power generation, water, and wastewater services to the CNMI and considering the harm such condition would pose to the community, environment, and critical infrastructure of the Commonwealth of the Northern Mariana Islands.

**WHEREAS, CUC IS THE SOLE ELECTRICITY SUPPLIER to the Government of the CNMI, including all public safety activities, the schools, and the only hospital. CUC also supplies electricity to most of the CNMI's businesses and homes. While some businesses and agencies own backup generators, they are not generally organized to use the backups as permanent power sources and the diesel oil purchased to run these generators is substantially more expensive than that used for CUC power.**

**WHEREAS, WITHOUT CUC ELECTRICITY:**

- (1) Most CNMI economic activity would come to a halt, much refrigeration and air conditioning would end, and the airports and ports would be forced to rely on emergency generation on the limited, expensive oil supply for it;
- (2) The CNMI's health and safety would immediately be at risk because traffic signals and street lighting would cease to function; emergency, fire, police facilities and their communications systems, and the hospital and island clinics would have to rely on limited oil supplies for emergency generation and then cease functioning; and much refrigeration of food and medicines would end, as would air conditioning for the elderly and sick;
- (3) The public schools and the Northern Marianas College would close. Other educational institutions would close as their backup oil supplies for emergency generators were exhausted; and

- (4) Water and sewage treatment would soon end. One of CUC's largest electric customers is the combined CUC Water and Wastewater Divisions. CUC is the sole supplier of electricity for these systems. CUC's water system relies on electricity to maintain the system pressure needed to prevent the backflow of pathogens, to chlorinate, and to pump, store, and distribute water supplies. CUC's wastewater system requires electricity to collect, pump, process, treat, and discharge sewage. The lack of electricity could result in sewage overflows, contaminating land and water.

**WHEREAS, THERE EXISTS A FINANCIAL CRISIS:**

- (1) CUC is owed approximately \$16 million by the public school system ("PSS") and the Commonwealth Healthcare Corporation ("CHC") and is owed over millions more by residential users;
- (2) There is conflict and potential conflict between CUC and government agencies over money owed and other issues. Such conflict drains resources especially if it results in the parties going to court. Interagency cooperation and oversight is vital to ensure that government agencies can continue its operations without draining CUC's remaining resources.
- (3) The people of the Commonwealth and its government are going through severe economically distressed times. This has put a severe strain on the government to meet its obligation.
- (4) CUC often only has days' worth of purchased diesel fuel to power its system because it lacks the funds to buy oil from its sole, cash-only supplier. CUC has no credit or other means to buy fuel than the revenue it collects from its customers;
- (5) A unified government approach is necessary to reconcile and resolve the fiscal crises of the government with the fiscal crises of CUC. This can only be achieved through a declaration of significant emergency.

**WHEREAS, THERE EXISTS A TECHNICAL WORKER CRISIS:**

- (1) CUC faces a manpower crisis. Skilled workers and a responsive support system are key to the success of the operation, particularly for preventative maintenance. At present, CNMI law at 3 CMC §§ 4531 and 4532 prohibits CUC from hiring any more non-U.S. technical workers;
- (2) CUC bears a substantial obligation to deliver highly technical work on time to the satisfaction of the U.S. District Court and the U.S. Environmental Protection Agency ("EPA"), pursuant to two sets of consent, or "Stipulated Orders." Failure to meet the requirements of the federal court orders could subject CUC and the CNMI to substantial fines and charges and, in the extreme, to a federal takeover of their finances;

- (3) CUC requires employees with specialized training. There are many non-U.S. citizens whom CUC needs to retain on technical and professional contracts. Without these positions filled, CUC operations would be severely compromised;
- (4) The legislature, through P.L. 17-1 (Mar. 22, 2010), has limited CUC's ability to hire technical staff, eliminating prior statutory permission to hire up to nineteen foreign workers and reinstating a moratorium on the government's hiring of foreign nationals, even if needed for highly technical positions for which no local or mainland citizens are available. The CUC Act, as subsequently reenacted by P.L. 16-17 (Oct. 1, 2008), provides that CUC shall hire such persons as are necessary for operations, *except as otherwise limited by other law.* 4 CMC § 8123(h);
- (5) There are not enough U.S. citizen or U.S. resident technical specialists at CUC to perform the power generation work, particularly specialists with experience in the type of engines that CUC uses. U.S. citizens with the necessary skills are not readily available in the CNMI and it is costly to recruit from the United States. CUC believes that the vast majority of skill sets, considering its cash restrictions, must come from non-U.S. personnel. CUC has tried to hire diesel mechanics in the CNMI, but has been unsuccessful in finding enough qualified candidates;
- (6) The impact of an inadequate workforce is substantial. First, there would be a direct deterioration of service to existing customers. There would be brownouts or area blackouts with the above-mentioned loss of service. Second, the power plants would again degrade, producing more of these outages. Third, if CUC fails to meet federal court deadlines for the Stipulated Orders, the Court could appoint a federal receiver and its consulting team, with all expenses charged to CUC customers.
- (7) CUC's renewal of contracts and hiring of foreign expert workers is necessary to sustain the integrity of CUC's systems. Thus, continued relief from the legislative prohibition on hiring foreign national workers is necessary to ensure the delivery of uninterrupted power services to the people of the Commonwealth.

**WHEREAS, A BOARD OF DIRECTORS DOES NOT EXIST:**

- (1) There is no Board of Directors. CUC has functioned without a Board because it has had to. While CUC's enabling act, reenacted as P.L. 16-17, as amended, authorizes a Board, potential board members continue to be vetted as the statutory qualifications for the Board are complex. Nonetheless, CUC must continue to function.
- (2) Without a Board in place, I still must provide for the continued operations of CUC. The Executive Director needs to be able to negotiate with federal and other agencies.

**WHEREAS, BY THIS DECLARATION OF A STATE OF SIGNIFICANT EMERGENCY,** I intend to enable CUC to continue to provide necessary services to the people of the Commonwealth. This Declaration is necessary to protect the health and safety of our children, our senior citizens, businesses, and all other CNMI residents and visitors.

**NOW, THEREFORE,** I hereby invoke my authority under Article III, § 10 of the Commonwealth Constitution and PL 18-4 § 104(c), to take all necessary measures to address the threats facing the Commonwealth of the Northern Mariana Islands including, but not limited to, the authority to:

1. Suspend all statutory or regulatory provisions as required; and
2. Utilize all available resources of the Commonwealth government and its political subdivisions as reasonably necessary to respond to the emergency.

It is hereby **ORDERED** that:

This Declaration of a State of Significant Emergency shall take effect immediately and all memoranda, directives, and other measures taken in accordance with this Declaration shall remain in effect for thirty (30) days from the date of this Executive Order unless I, prior to the end of the thirty (30)-day period, terminate the declaration of a state of significant emergency. PL 18-4, § 104(g)

Under authority of this Declaration and with the goal of mitigating or ameliorating the above described crises, I immediately direct the following:

**DIRECTIVE 1:** All of the executive power of the CUC, which shall include any and all powers vested in the Board of Directors and the Executive Director, shall be exercised by my designated Executive Director.

**DIRECTIVE 2:** Section 4531 of Title 3 of the Commonwealth Code is hereby suspended as to CUC as follows:

The following ~~strike-out~~ formatted language of the quoted provisions of the following statute regulating government employment is, as indicated, suspended immediately:

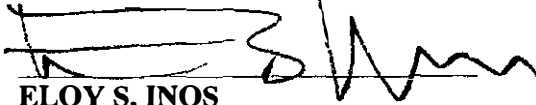
**3 CMC §4531. Restrictions on Government Employment**

~~Employment by departments, agencies, and all other instrumentalities of the Commonwealth government is limited to citizens and permanent residents; provided that the government may enter into contracts with foreign nationals for services performed outside of the Commonwealth.~~

As a result of my suspension of 3 CMC § 4531, CUC shall have the full power and authority to retain staff which may include employees other than citizens and permanent residents of the United States.

The above described Directives are in no way meant as the limits of my actions or authority under this Declaration. Accordingly, I reserve the right under this Declaration to issue any and all directives necessary to prevent, mitigate or ameliorate the adverse effects of the emergency.

**SIGNED AND PROMULGATED** on this 19<sup>th</sup> day of June 2013.

A handwritten signature in black ink, appearing to read 'Eloy S. Inos', written over a horizontal line.

**ELOY S. INOS**  
Governor  
Commonwealth of the Northern Mariana Islands



## COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

**Eloy S. Inos**  
Governor

**Jude U. Hofschneider**  
Lieutenant Governor

### **DIRECTIVE No. 6**

**DATE:** APRIL 18, 2013  
**TO:** ALL DEPARTMENTS AND AGENCIES  
**FROM:** GOVERNOR  
**SUBJECT:** Non-Communicable Disease Emergency Directive

**WHEREAS**, a Regional State of Health Emergency on Non-Communicable Diseases (NCDs) in the United States-Affiliated Pacific Islands has been declared by the Pacific Island Health Officers Association (PIHOA) in May 2010 by its Board Resolution #48-01, and endorsed by the Micronesian Chief Executives, Micronesian Presidents, Association of Pacific Islands Legislatures, Micronesian Traditional Leaders Council and Micronesian Chief Justices; The Nadi Statement on NCDs in the Pacific was crafted by the World Health Organization (WHO) and was supported by Secretariat of the Pacific Community (SPC) in February of 2011, declaring a serious NCD crisis in the Pacific. This statement was endorsed in Honiara, Solomon Islands on August 2011 by the Pacific Islands Ministers of Health Meeting and by the Pacific Islands Forum in New Zealand. The Nadi Statement was then endorsed at the United Nations High Level Meeting which was held in September 2011 reinforcing that the burden of NCDs have escalated on a global scale.

**WHEREAS**, the CNMI is home to more than 55,000 people who live primarily on three of the 14 islands with a total land area of 176.5 square miles spread out over 264,000 square miles of ocean in the northwestern Pacific Ocean;

**WHEREAS**, the health burden in the CNMI have transitioned to non-communicable diseases. This is a result of the changes that the CNMI has gone through over time in its journey toward modernization as access to technologies have led to more sedentary lifestyles; access to high calorie processed imported food, tobacco and alcohol is made easier; and the movement away from traditional lifestyles which require more physical activities and access to traditional foods.

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**WHEREAS**, NCDs are sometimes called chronic or lifestyle-related diseases. The top NCDs in the CNMI are heart disease, cancer, stroke, chronic respiratory disease, diabetes, depression, and unintentional injuries. NCDs are preventable and have fewer complications with early intervention. Many of the risk factors for NCDs can be effectively alleviated with known strategies and models of care. Modifiable determinants of NCDs include lifestyle factors (tobacco use, alcohol abuse, poor nutrition and lack of physical activity) and social environmental determinants (physical, political, social, economic, cultural, spiritual, behavioral, and mental environments). Obesity, high blood pressure, hypertension and hyperlipidemia are measureable and modifiable intermediate risk factors. Non-modifiable determinants include age, gender (men are more vulnerable) and genetics, although even genetic expressions can be modified by lifestyle.

**WHEREAS**, NCDs cause a significant loss in longevity, quality of life, and loss in workforce productivity in the CNMI. The current generation is dying prematurely or losing functionality because of NCDs and there is no sign of improvement in the foreseeable future if status quo approaches are maintained.

**WHEREAS**, the NCD burden can be expected to worsen significantly over the next generation, and will adversely affect the youth in the CNMI population. There is a critical need to shape effective health policies and improve the general attitude of the CNMI community on disease prevention and health promotion, and if not, the NCD burden can be expected to worsen.

**WHEREAS**, given the escalating surge of NCDs and the heavy financial burden associated with NCD treatment, the CNMI healthcare system will be greatly challenged to meet the overall health and medical needs of the CNMI community. It is incumbent on us as a community to address and begin the process to reduce the instances of NCDs if we are to survive as a community.

**WHEREAS**, 7 out of every 10 deaths in the CNMI are due to NCDs and/or NCD risk factors. The Commonwealth Health Center's (CHC) Dialysis Center reported a 126% increase in newly registered renal dialysis patients in 2012 compared to the previous year; with majority of the patients having Diabetes Type II and hypertension; majority are of Chamorro and Carolinian descent, the indigenous people of the Northern Marianas; and wherein CHC, the only hospital in the CNMI, is one of two renal dialysis center sites on the island of Saipan; As of January 2013, CHC reported a total of 107 renal dialysis patients at the Dialysis Center. In 2008, 45% of our 7-10 year old children were found to be obese or overweight. Obese children may experience immediate health consequences which can lead to weight-related health problems in adulthood. Obese children and teens have been found to have risk factors for cardiovascular disease (CVD), including high cholesterol levels, high blood pressure, and abnormal glucose tolerance. Millions of dollars go to our Medical Referral Program for off-island medical care annually. In the years 2009 to 2011, 2,839 patients were sent off-island and 5,641 patients from Rota and Tinian were referred to Saipan for medical care costing the CNMI Government about \$19.5 million for medical referral costs in that three year span. About 90% of the cases referred for medical care are due to NCDs.

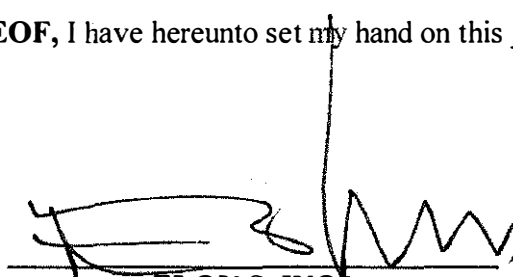
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**WHEREAS**, the future of the CNMI is highly dependent on having an effective and far reaching community-driven strategy towards this NCD crisis. This NCD crisis threatens our very existence and must be treated like an approaching typhoon or tsunami. We must, without delay, build an action plan with immediate implementation. CNMI's health is best managed by the CNMI community at large and this must be the central strategy as we set our course into the future in responding to this crisis and as we move into a potential national state of health emergency on NCDs for the next 5 to 10 years.

**NOW, THEREFORE, I, ELOY S. INOS**, Governor of the Commonwealth of the Northern Mariana Islands, do hereby direct as follows:

1. Establish a CNMI NCD Emergency Committee within 30 days to oversee the implementation of NCD related strategies across various sectors;
2. Initiate an Economic Impact Assessment on NCDs, which will be spearheaded by the CNMI NCD Emergency Committee developing community-wide benchmarks to be followed and tracked over time;
3. Develop an Integrated Plan of Action for dealing with NCDs in a manner that truly involves the ownership and participation of the "whole of society";
4. Initiate a NCD Surveillance System that looks at providing timely interval data necessary to monitor and manage the crisis and will include monitoring risk factors of NCDs;
5. All government sectors, non-governmental agencies, statutory bodies and civil society will proactively assist in efforts to address the NCD crisis.

**IN WITNESS WHEREOF**, I have hereunto set my hand on this ~~15<sup>th</sup>~~ <sup>18<sup>th</sup></sup> day of April, 2013.

A handwritten signature in black ink, appearing to read 'ELOY S. INOS', is written over a horizontal line. A vertical line extends upwards from the center of the signature towards the text above.

**ELOY S. INOS**  
Governor





## COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

**Eloy S. Inos**  
Governor

**Jude U. Hofschneider**  
Lieutenant Governor

### DIRECTIVE

DATE: 13 JUN 2013  
No. 07

**TO:** All Department and Activity Heads

**FROM:** GOVERNOR

**SUBJECT:** Policy of the Commonwealth of the Northern Mariana Islands Regarding Equal Employment Opportunity

The laws of the United States and of the Commonwealth of the Northern Mariana Islands require that equal opportunity be provided to all U.S. Citizens and legal workers in government employment. It also requires that nondiscrimination be exercised in all government employment practices. Statements of the Commonwealth's policy of nondiscrimination can be found in Title I, §8102 of the Commonwealth Code, and Parts I.BI and V.FI of the *Personnel Service System Rules and Regulations* [codified as NMIAC § I 0-20.2-005 and §10-20.2-476] and proposed NMIAC §10-1 0-310 and §I 0-1 0-315 of the *Excepted Service Personnel Regulations*. To ensure full compliance with these requirements, the Commonwealth has established a systematic, government-wide program, known as the *CNMI Equal Employment Opportunity Program*, to implement our legal and moral obligations. I personally and officially support this program, and will ensure continued compliance with its tenets with the full force of executive authority.

The Commonwealth government does not condone and will not tolerate discrimination in any form in its employment policies and actions, or in the conduct of its employees. It is especially important to state clearly that the Government has established and will vigorously enforce a policy of non-tolerance for sexual harassment in its workplace and among its workforce. It is my firm belief and the policy of this administration that those residents of the Commonwealth who are legally entitled to work for the Commonwealth government will be considered equally and indiscriminately, in accordance with relevant statutes, for employment and advancement in the government service. Similarly, every employee of the government possesses the right to a workplace free from threat, harassment or coercion. This Administration is committed to guaranteeing these rights to its employees.

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As the Governor and Chief Executive Officer of the Government of the Commonwealth of the Northern Mariana Islands, I am, also, the Equal Employment Officer for the Commonwealth, with the authority to institute and maintain a legally compliant Equal Employment Opportunity (EEO) program and to require all departments and activities to ensure full and fair implementation of the program's principles. I am appointing the Director of Personnel as the Deputy EEO Officer for the Commonwealth, with the authority to develop EEO policies, implement the program, and oversee its operation. The Director of Personnel will appoint an EEO Coordinator in the Office of Personnel Management to provide me, the Director of Personnel, and other key government management and EEO officials with expert advice, analysis and evaluation on EEO matters. The Director of Personnel will also appoint EEO Coordinators in the Office of Personnel Management on both Rota and Tinian. Additionally, the EEO Coordinator will oversee the program government-wide and will assist department and activity EEO staff in the fair and consistent application of EEO laws and policies. The EEO Coordinator will work with the federal Equal Employment Opportunity Commission to resolve charges that are made to their Office.

Each department, activity and autonomous agency within the Executive Branch of the Commonwealth Government will create a similar organization, issue a formal EEO policy statement similar to this directive, and establish implementation procedures. Any department, activity or autonomous agency with less than fifty (50) total staff may request to the Director of Personnel that it join with another department or activity in establishing its EEO program and structure. The Chief Executive of each department, activity and autonomous agency will serve as the Equal Employment Opportunity Officer for his or her organization. In turn, the Chief Executive will appoint either the organization's Deputy or a senior member of management, at a level reporting directly to the Chief Executive, as the organization's Deputy EEO Officer. Similarly, the Chief Executive of each organization will appoint an EEO Coordinator to manage the organization's EEO program. I recommend that the coordinator be a permanent employee with advanced administrative and analytical abilities. These appointments will be published in the organization's EEO policy statement, which will be posted in each workplace and disseminated to each employee.

The EEO Program will provide an administrative procedure for settling complaints of discrimination with regard to government employment or personnel practices. It will include three successive venues for fact finding and conciliation: a counseling stage, an investigative stage and a hearing stage. Each organization will appoint a number of EEO Counselors throughout the divisions/sections of the organization, to include divisions/sections on Rota and Tinian, who will fill this role as a collateral duty. Employees who have previously received EEO training should be continued in their position, if their service and commitment to the program have been satisfactory.

The EEO Program Coordinator at the Office of Personnel Management will establish an investigative capability, utilizing existing CNMI staff trained in investigative skills that will respond to requests for investigation from the organizational EEO Coordinators. If the complaint is not resolvable at the organizational level, the Civil Service Commission will serve as the ultimate hearing panel for EEO complaints for civil service employees. The Director of Personnel, as the Governor's designee will provide this opportunity for excepted service employees. EEO discrimination complaints, which are initiated by the  
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employee or applicant as a result of perceived discrimination either directly through the EEO structure or through the grievance process, should receive immediate consideration and action as determined appropriate. Failure to act in a timely and responsive manner could result in continued discrimination to the employee and liability to the government.

The Office of Personnel Management and all departments, activities and autonomous agencies will establish program evaluation and reporting procedures to keep me informed of the status of the Commonwealth's Equal Employment Opportunity Program. This program is not just a matter of complying with federal and local laws. It is a vitally important step in ensuring fair and equal treatment in government employment to all citizens of the Commonwealth. It will repay our efforts tenfold and provide a legacy of equality for citizens yet to come.

All departments, activities and autonomous agencies are directed to comply with the guidance provided herein, which supplements, in more detail, the Equal Employment Opportunity provisions found in the *Personnel Service System Rules and Regulations* and *Excepted Service Personnel Regulations*, as cited above. Individual EEO policy statements are to be immediately prepared and published, with copies forwarded both to my attention and to the Director of Personnel. EEO staffing structures will be established and employees will be trained in coordination with the Office of Personnel Management. Manuals, policies and instructions to further clarify the Commonwealth's nondiscrimination policy and specific implementation procedures will be published and distributed by the Office of Personnel Management. The Office of the Attorney General will provide assistance to the Office of Personnel Management, as requested.

I expect all management staff to support this program fully and wholeheartedly in all hiring and employment processes. Your participation in this program must not be just minimal compliance with Federal and Commonwealth EEO laws; it must be the daily fulfillment of an obligation of fair treatment to all employees of the Commonwealth Government.



**ELOY S. INOS**  
Governor



**DEPARTMENT OF CORRECTIONS**  
**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**  
 Vicente Taman Seman Building  
 P. O. Box 506506, Susupe, Saipan MP 96950  
 Telephone: (670) 237-2701 or 2700 Facsimile: (670) 664-9515



Eloy S. Inos  
 GOVERNOR

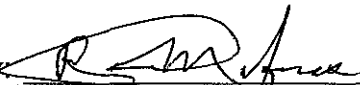
Jude U. Hofschneider  
 LT. GOVERNOR

Ramon C. Mafnas  
 COMMISSIONER

**PUBLIC NOTICE OF ADOPTION OF DEPARTMENT OF CORRECTIONS  
 OFFICIAL DEPARTMENTAL IDENTIFICATION PATCH**

**NOTICE OF ACTION:** The Department of Corrections of the Commonwealth of the Northern Mariana Islands hereby notifies the general public of the adoption of its official departmental identification patch. The official patch will be sewn on, or otherwise attached to, all department uniforms. Please take notice of the new logo, attached hereto as Attachment A.

This notice was approved by the Commissioner on June 28<sup>th</sup>, 2013.

Submitted by:   
 RAMON C. MAFNAS  
 Commissioner  
 Department of Corrections

June 28, 2013  
 Date

Filed and  
 Recorded by:   
 ESTHER M SAN NICOLAS  
 Commonwealth Register

6.28.2013  
 Date



**DEPARTMENT OF CORRECTIONS  
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

Vicente Taman Seman Building  
P. O. Box 506506, Susupe, Saipan MP 96950  
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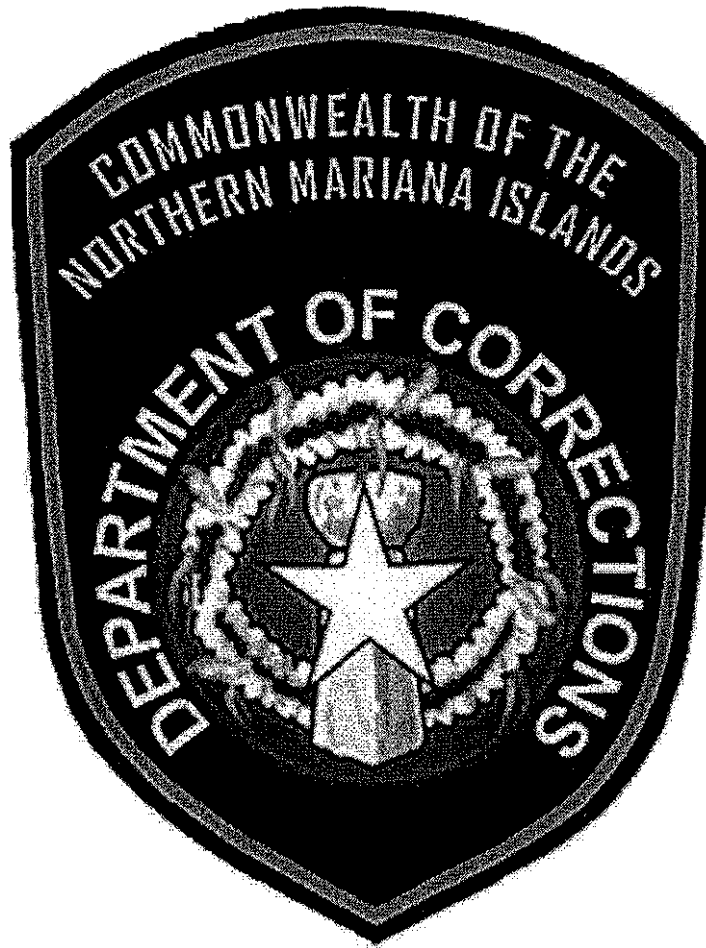


**Eloy S. Inos  
GOVERNOR**

**Jude U. Hofschneider  
LT. GOVERNOR**

**Ramon C. Mafnas  
COMMISSIONER**

**Attachment "A"**



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