
AN ACT

To extend the exemptions created by P.L. 6-5 and P.L. 6-36 for the hiring of nonresident workers by the Department of Public Health and Environmental Services and by the Office of the Public Auditor to include the Commonwealth Utilities Corporation, and to extend said exemptions to September 30, 1995, and for other purposes.

BE IT ENACTED BY THE NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 Section 1. Purpose and Findings. Public Law 6-5
2 established, and Public Law 6-36 confirmed, an exception to
3 the general rule that nonresident worker certificates shall
4 not be approved by the Chief of Labor for any position with
5 the Commonwealth government. These public laws created an
6 exception for the hiring of nonresident workers by the
7 Department of Public health and Environmental Services and by
8 the Office of the Public Auditor, but limited the exception
9 by causing it to expire on September 30, 1990. The
10 Legislature finds that there is a continuing need by the
11 Department of Public Health and Environmental Services and by
12 the Office of the Public Auditor for the hiring of highly
13 trained professional and technical employees who are not
14 currently available from the Commonwealth's local labor pool.
15 The hiring, therefore, of nonresident workers by these
16 departments is a continuing necessity. It is therefore the
17 purpose of this act to further amend 3 CMC 4434 Section (h)
18 and to extend said exceptions to September 30, 1995. The
19 Legislature further finds that there is a similar
20 unavailability of local workers to fill various professional

1 and technical positions with the Commonwealth Utilities
2 Corporation (CUC). It is therefore also the purpose of this
3 act to further amend 3 CMC Section 4434(e).

4 Section 2. Amendment. Title 3, CMC, Division 4,
5 Section 4434(e), as amended by PL 6-5, Section 317; PL 6-28,
6 Section 1(b); PL 6-36, Section 3; and PL 6-39, Section 5 is
7 further amended to read as follows:

8 "(e) The Chief shall not approve Nonresident Worker
9 Certificates for the following job classifications:

- 10 (1) retail trade clerk;
- 11 (2) taxi cab driver;
- 12 (3) secretary;
- 13 (4) retail trade cashier;
- 14 (5) bookkeeper;
- 15 (6) accounting clerk;
- 16 (7) messenger;
- 17 (8) receptionist;
- 18 (9) surface tour boat operator;
- 19 (10) bus driver, including tour bus
20 driver; and
- 21 (11) telephone switchboard operator.

22 Except, the Chief may approve Nonresident Worker
23 Certificates for employment in the following job
24 classifications:

- 25 (1) hotel front desk clerk;

- 1 (2) janitor;
- 2 (3) security guard;
- 3 (4) custodian; and
- 4 (5) tour guide.

5 Provided, the number of Nonresident Workers
6 employed by the applicant employer in the classification
7 applied for may not exceed the number of resident
8 workers of such employer in such job classification.

9 In addition, the Chief shall not approve
10 Nonresident Workers Certificates for any position for
11 employment with the Commonwealth Government. Except the
12 Chief may approve nonresident worker certificates for
13 employment:

14 (1) in the Public School System, provided,
15 however, that nonresident workers employed after
16 September 1990 as classroom teachers must be
17 graduates of colleges or universities in the United
18 States or which are accredited by United States
19 accrediting associations, or alternatively must be
20 graduates of a college or university and pass a
21 "BESTE" test for English proficiency or its
22 functional equivalent as designated by the Board of
23 Education; or

24 (2) in the Department of Public Health and
25 Environmental Services; or

- 1 (3) in the Office of the Public Auditor; or
2 (4) in the Commonwealth Utilities Corporation
3 for technical and professional employees; or
4 (5) as may be required, by the Marianas
5 Visitors Bureau for a language interpreter; or
6 (6) for technical and professional employees
7 in the Technical Service Division of the Department
8 of Public Works; or
9 (7) for instructors and research scientists at
10 the Northern Marianas College.
11 (8) in the Department of Finance for technical
12 and professional accountants, financial analysts,
13 and revenue and tax auditors.

14 The Director, or his designated representative,
15 shall insure that job classifications established by the
16 employer, together with occupational qualifications and
17 experience are reasonable for the position being applied
18 for and in the event the Director or his designated
19 representative determines that such job classification
20 or occupational experience is not reasonable for such
21 position, the Nonresident Worker Certificates shall not
22 be approved."

23 Section 3. Amendment. Title 3, CMC, Division 4,
24 Section 4434(h), as amended by P.L. 6-5 and P.L. 6-36, is
25 further amended to read as follows:

1 "(h) The exception of subsection (e) of this
2 section for the Public School System, shall expire
3 September 30, 1992. The exceptions of subsection (e) of
4 this section for the Department of Public Health and
5 Environmental Services, the Public Auditor and the
6 Commonwealth Utilities Corporation shall expire
7 September 30, 1995."

8 Section 4. Severability. If any provisions of this
9 Act, or its application to any person or circumstance is held
10 invalid, the invalidity shall not affect other provisions or
11 applications of the Act which can be given effect without the
12 invalid provisions or applications, and to this end the
13 provisions of this Act are severable.

14 Section 5. Effective Date. This Act shall take effect
15 upon approval by the Governor, or upon its becoming law
16 without such approval.

CERTIFIED AND ATTESTED TO BY:



LUIS C. BENAVENTE
Acting Speaker
House of Representatives



EVELYN T. CASTRO
House Clerk

APPROVED this 30th day of MAY, 1990



LORENZO I. DE LEON GUERRERO
Governor
Commonwealth of the Northern Mariana Islands