



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Eloy S. Inos

Governor

Jude U. Hofschneider

Lieutenant Governor

10 JAN 2014

Honorable Joseph P. Deleon Guerrero
Speaker, House of Representatives
Eighteenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Honorable Ralph DLG. Torres
Senate President, The Senate
Eighteenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. Speaker and Mr. President:

This is to inform you that I have signed into law House Bill No. 18-82, HDI, entitled, "To create "The Commonwealth of the Northern Mariana Islands Anti-Violence Leave Act of 2013.", which was passed by the Eighteenth Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 18-31**. Copies bearing my signature are forwarded for your ready reference.

Sincerely,

A handwritten signature in black ink, appearing to read "Eloy S. Inos", with a long vertical line extending upwards from the end of the signature.

ELOY S. INOS

cc: Lt. Governor, Attorney General, CNMI Judiciary, Department of Finance, Department of Public Safety, Office of Personnel & Management, Commonwealth Law Revision Commission, Special Assistant for Programs and Legislative Review



House of Representatives

18th NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

P.O. BOX 500586
SAIPAN, MP 96950

December 12, 2013

The Honorable Eloy S. Inos
Governor
Commonwealth of the Northern
Mariana Islands
Capitol Hill
Saipan, MP 96950

Dear Governor Inos:

I have the honor of transmitting herewith for your action **H. B. No. 18-82, HD1**, entitled: "To create "The Commonwealth of the Northern Mariana Islands Anti-Violence Leave Act of 2013.", which was passed by the House of Representatives and the Senate of the Eighteenth Northern Marianas Commonwealth Legislature.

Sincerely yours,



Linda B. Muña
House Clerk

Attachment



*Eighteenth Legislature
of the
Commonwealth of the Northern Mariana Islands*
IN THE HOUSE OF REPRESENTATIVES

Fourth Special Session

June 5, 2013

Representative George N. Camacho, of Saipan, Precinct 4 (*for himself*), in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

H. B. No. 18-82, HD1

AN ACT

TO CREATE "THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS ANTI-VIOLENCE LEAVE ACT OF 2013".

The Bill was referred to the House Committee on Judiciary and Governmental Operations, which submitted Standing Committee Report 19-36, S1, adopted on October 24, 2013.

**THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON
FIRST AND FINAL READING, OCTOBER 24, 2013;**
with amendments in the form of H. B. 18-82, HD1 and transmitted to the
THE SENATE.

The Bill was referred to the Senate Committee on Judiciary, Government, and Law.
THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, NOVEMBER 26, 2013;
without amendments and returned to
THE HOUSE OF REPRESENTATIVES.

THE BILL WAS FINALLY PASSED ON OCTOBER 24, 2013.

A handwritten signature in black ink, appearing to read "L. Muña", written over a horizontal line.

Linda B. Muña, House Clerk



*Eighteenth Legislature
of the
Commonwealth of the Northern Mariana Islands*
IN THE HOUSE OF REPRESENTATIVES

NINTH DAY, SECOND REGULAR SESSION

OCTOBER 24, 2013

H. B. 18-82, HD1

AN ACT

TO CREATE “THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS ANTI-VIOLENCE LEAVE ACT OF 2013”.

Be it enacted by the Eighteenth Northern Marianas Commonwealth Legislature:

1 **Section 1. Short Title.** This Act shall be known as “The Commonwealth of the
2 Northern Mariana Islands Anti-Violence Leave Act of 2013”.

3 **Section 2. Findings and Purpose.** The Legislature finds that Domestic violence,
4 sexual assault, stalking, and teen dating violence are pandemic, touching individuals in every
5 community, regardless of age, economic status, race, religion, nationality, or educational
6 background. Violence can happen anywhere, in a home, school, community or workplace.
7 When it occurs in the workplace or to employees, it can have significant impact on the
8 workplace and the ability of victims to work. The growing severity of domestic violence,
9 sexual assault, stalking, and teen dating violence calls for increased regulation to protect
10 working victims.

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1 The current Family Medical Leave Act does not provide the heightened regulations
2 needed to offer domestic violence, sexual assault, stalking, and teen dating violence victims'
3 work-related protection. Keeping the domestic violence incident and proceedings in
4 confidence provides the victim the privacy that is important in a fragile situation.

5 **Section 3. Enactment.** Subject to codification by the Law Revision Commission, the
6 following is hereby enacted:

7 “(101) For the purposes of this section, the following terms have the following
8 meanings:

9 (a) The term ‘domestic or family violence’ as defined in 8 CMC § 1902 (a).

10 (b) The term ‘Sexual assault’ as defined in 7 CMC § 3313 (b).

11 (c) The term ‘Stalking’ as defined in 6 CMC §§ 1471-1472.

12 (d) The term ‘family or household members’ as defined in 8 CMC § 1902 (b).

13 (e) The term ‘addressing domestic violence, sexual assault, or stalking and
14 their effects’ means:

15 (1) seeking medical attention for or recovering from injuries caused by
16 domestic violence, sexual assault, stalking or teen dating violence;

17 (2) seeking legal assistance or remedies, including communicating
18 with the police or an attorney, or participating in any legal proceeding related
19 to domestic violence, sexual assault, stalking, or teen dating violence;

20 (3) attending support groups for victims of domestic violence, sexual
21 assault, stalking, or teen dating violence;

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1 (4) obtaining psychological counseling related to experiences of
2 domestic violence, sexual assault, stalking, or teen dating violence;

3 (5) participating in safety planning and other actions to increase safety
4 from future domestic violence, sexual assault, stalking, or teen dating violence
5 including temporary or permanent relocation; and

6 (6) participating in any other activity necessitated by domestic
7 violence, sexual assault, stalking, or teen dating violence which must be
8 undertaken during hours of employment;

9 (102) (a) An employer may not discharge or in any manner discriminate or
10 retaliate against an employee who is a victim of domestic violence, sexual assault,
11 stalking, or teen dating violence for complying with any and all court orders or
12 subpoena or taking time off from work to obtain or attempt to obtain any relief,
13 including, but not limited to, a temporary restraining order, restraining order, or other
14 injunctive relief, to help ensure the health, safety, or welfare of the victim or his or
15 her child.

16 (b) As a condition of taking time off for a purpose set forth in section 102(a),
17 the employee shall give the employer reasonable advance notice of the employee's
18 intention to take time off, unless the advance notice is not feasible.

19 (c) When an unscheduled absence occurs, the employer shall not take any
20 action against the employee if the employee, within a reasonable time after the
21 absence, provides a certification to the employer. Certification shall be sufficient in
22 the form of any of the following:

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1 (1) A police report indicating that the employee was a victim of
2 domestic violence or sexual assault.

3 (2) A court order protecting or separating the employee from the
4 perpetrator of an act of domestic violence or sexual assault, or other evidence
5 from the court or prosecuting attorney that the employee has appeared in
6 court.

7 (3) Documentation from a medical professional, social worker,
8 domestic violence advocate or advocate for victims of sexual assault, health
9 care provider, or counselor that the employee was undergoing treatment for
10 physical or mental injuries or abuse resulting in victimization from an act of
11 domestic violence or sexual assault.

12 (c) To the extent allowed by law, the employer shall maintain the
13 confidentiality of any employee requesting leave under subsection 102.

14 (d) Any employee who is discharged, threatened with discharge, demoted,
15 suspended, or in any other manner discriminated or retaliated against in the terms and
16 conditions of employment by his or her employer because the employee has taken
17 time off for a purpose set forth in subsection 102 shall be entitled to reinstatement and
18 reimbursement for lost wages and work benefits caused by the acts of the employer.
19 Any employer who willfully refuses to rehire, promote, or otherwise restore an
20 employee or former employee who has been determined to be eligible for rehiring or
21 promotion by a grievance procedure or hearing authorized by law is guilty of a
22 misdemeanor.

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1 (e) An employee may use vacation, sick leave, personal leave, or
2 compensatory time off that is otherwise available to the employee under the
3 applicable terms of employment for time taken off for a purpose specified in Section
4 (102) (a), (b), or (c).

5 (103) (a) In addition to the requirements and prohibitions imposed on
6 employees pursuant to Subsection 102, an employer with 25 or more employees may
7 not discharge or in any manner discriminate or retaliate against an employee who is a
8 victim of domestic violence or a victim of sexual assault for complying with any and
9 all court orders or subpoena or taking time off from work to attend to any of the
10 following:

11 (1) To seek medical attention for injuries caused by domestic violence
12 or sexual assault.

13 (2) To obtain services from a domestic violence shelter, program, or
14 rape crisis center as a result of domestic violence or sexual assault.

15 (3) To obtain psychological counseling related to an experience of
16 domestic violence or sexual assault.

17 (4) To participate in safety planning and take other actions to increase
18 safety from future domestic violence or sexual assault, including temporary or
19 permanent relocation.

20 (b) As a condition of taking time off for a purpose set forth in subsection 103
21 (a) (1), (2), (3), and (4) the employee shall give the employer reasonable advance

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1 notice of the employee's intention to take time off, unless the advance notice is not
2 feasible.

3 (c) When an unscheduled absence occurs, the employer may not take any
4 action against the employee if the employee, within a reasonable time after the
5 absence, provides a certification to the employer. Certification shall be sufficient in
6 the form of any of the following:

7 (1) A police report indicating that the employee was a victim of
8 domestic violence, sexual assault stalking, or teen dating violence.

9 (2) A court order protecting or separating the employee from the
10 perpetrator of an act of domestic violence, sexual assault, stalking, or teen
11 dating violence or other evidence from the court or prosecuting attorney that
12 the employee appeared in court.

13 (3) Documentation from a medical professional, domestic violence
14 advocate or advocate for victims of sexual assault, health care provider, or
15 counselor that the employee was undergoing treatment for physical or mental
16 injuries or abuse resulting in victimization from an act of domestic violence,
17 sexual assault, stalking, or teen dating violence.

18 (d) Employers shall maintain the confidentiality of any employee requesting
19 leave under subsection 103(a). Any person who willfully or knowingly makes any
20 statement or who knowingly supplies information to anyone, with the intent that such
21 disclosure of information be used to interfere with the employee's ability to seek the
22 assistance of the CNMI judiciary and/or law enforcement shall, regardless of whether

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1 the disclosure or interference caused any actual harm, be subject to a fine of not less
2 than \$1000.00 and not more than \$10,000.00 and/or imprisonment of not less than 30
3 days and not more than 5 years.

4 (e) Any employee who is discharged, threatened with discharge, demoted,
5 suspended, or in any other manner discriminated or retaliated against in the terms and
6 conditions of employment by his or her employer because the employee has taken
7 time off for a purpose set forth in subsection 103(a) is entitled to reinstatement and
8 reimbursement for lost wages and work benefits caused by the acts of the employer.
9 Any employer who willfully refuses to rehire, promote, or otherwise restore an
10 employee or former employee who has been determined to be eligible for rehiring or
11 promotion by a grievance procedure or hearing authorized by law is guilty of a
12 misdemeanor.

13 (f) An employee may use vacation, sick leave, personal leave, or
14 compensatory time off that is otherwise available to the employee under the
15 applicable terms of employment for time taken off for a purpose specified in
16 subsection 103(a).

17 (g) This section does not create a right for an employee to take unpaid leave
18 that exceeds the unpaid leave time allowed under, or is in addition to the unpaid leave
19 time permitted by, the federal Family and Medical Leave Act of 1993 (29 U.S.C. Sec.
20 2601 et seq.).

21 (104) Disposition of fines. Notwithstanding any laws or provisions to the
22 contrary, all fines and penalties collected pursuant to this Act shall be collected and

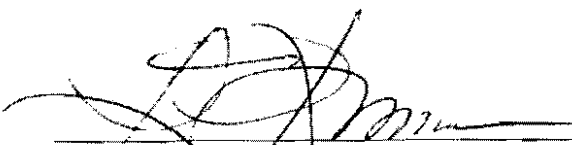
1 deposited into an account in the CNMI Treasury, and divided specifically into 1) one
2 subaccount created by the Department of Finance for the benefit of the Department of
3 Public Safety with the Commissioner of the Department of Public Safety as the sole
4 expenditure authority and 2) one subaccount where the remaining 50% shall be
5 collected and deposited for the restricted purpose of the CNMI Judiciary's community
6 outreach programs."

7 **Section 4. Severability.** If any provisions of this Act or the application of any such
8 provision to any person or circumstance should be held invalid by a court of competent
9 jurisdiction, the remainder of this Act or the application of its provisions to persons or
10 circumstances other than those to which it is held invalid shall not be affected thereby.

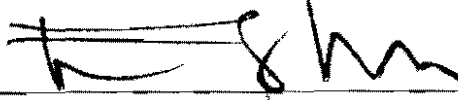
11 **Section 5. Savings Clause.** This Act and any repealer contained herein shall not be
12 construed as affecting any existing right acquired under contract or acquired under statutes
13 repealed or under any rule, regulation, or order adopted under the statutes. Repealers
14 contained in this Act shall not affect any proceeding instituted under or pursuant to prior law.
15 The enactment of the Act shall not have the effect of terminating, or in any way modifying,
16 any liability, civil or criminal, which shall already be in existence on the date this Act
17 becomes effective.

1 **Section 6. Effective Date.** This Act shall take effect upon its approval by the
2 Governor, or its becoming law without such approval.

Attested to by: 
Linda B. Muña, House Clerk

Certified by: 
SPEAKER JOSEPH P. DELEON GUERRERO
House of Representatives
18th Northern Marianas Commonwealth Legislature

APPROVED this 10TH day of JANUARY, 2013¹⁴


ELOY S. INOS
Governor
Commonwealth of the Northern Mariana Islands