

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
SAIPAN MARIANA ISLANDS

VOLUME 19 NUMBER 02



FEBRUARY 15, 1997

---

# COMMONWEALTH

# REGISTER

---

---

**COMMONWEALTH REGISTER**  
**VOLUME 19 NUMBER 01**  
**FEBRUARY 15, 1997**

**TABLE OF CONTENTS**

**PROPOSED**

Rules and Regulations for the Sound and Effective Administration  
and Operation of the CGECU.  
Commonwealth Government Employees' Credit Union..... 15076

Motor Carrier Safety Regulations.  
Department of Public Safety Division of Motor Vehicles..... 15094

**AMENDMENTS**

Amendments to the Group Health and Life Insurance Programs.  
Northern Marianas Retirement Fund/Insurance Division..... 15106

Rules and Regulations concerning the use, possession, sale, attempts  
to sell and being under the influence of drugs or alcohol.  
Civil Service Commission..... 15119

**ADOPTION**

Regulations Governing the Administration of Public Defender Eligibility.  
Office of the Public Defender..... 15139

Administrative Rules and Regulations.  
Northern Marianas Retirement Fund..... 15148

NMHC/MPLT Home Loan Regulations.  
Mariana Islands Housing Authority..... 15152

Customs Service Regulations No. 4300.  
Department of Finance Division of Customs..... 15155

Regulations Establishing a Living Will Policy.  
Commonwealth Health Center..... 15160

Regulations Governing the Screening Requirements of  
Alien Employees.  
Commonwealth Health Center..... 15166

**COMMONWEALTH GOVERNMENT EMPLOYEES'  
CREDIT UNION**

P. O. BOX 135, SAIPAN MP 96950

MAGDELENA C. CAMACHO  
CHAIRPERSON

DAVID C. SABLAN  
GENERAL MANAGER

JUANITA H. MUNDO RITA U. BAILAS LOURDES B. ALDAN BEN S. SALAS  
VICE CHAIRPERSON SECRETARY MEMBER - TINIAN MEMBER - SAIPAN

February 04, 1997


Cor-97-009


**PUBLIC NOTICE  
OF  
PROPOSED REGULATIONS**


The Board of Directors (BOARD) of the Commonwealth Government Employees' Credit Union (CGECU) hereby gives notice to the public for the publication of the proposed Regulations. The purpose of the Regulations is to establish the rules and regulations for the sound and effective administration and operation of the CGECU. The BOARD, pursuant to Section 7(c) of Public Law 9-52 is authorized to promulgate these Regulations.

The proposed Regulations are published in the Commonwealth Register. Copies of the Commonwealth Register may be obtained at the Office of the Attorney General.

Comments and/or inquiries to the proposed Regulations may be forwarded in writing to the Board of Directors, Commonwealth Government Employees' Credit Union, P. O. Box 135, Saipan MP 96950, no later than thirty (30) days from the date of publication of the Regulations in the Commonwealth Register.

Issued by:  2.5.97  
Magdalena C. Camacho, Chairperson Date

Received by:  FEB 05 1997  
Herman T. Guerrero Date  
Executive Assistant to the Governor  
Office of the Governor

Filed and Recorded by:  2/5/97  
Soledad B. Sasamoto Date  
Registrar of Corporations

TEL: (670)664-3900, FAX: (670)664-3910

**COMMONWEALTH GOVERNMENT EMPLOYEES'  
CREDIT UNION**

P. O. BOX 135, SAIPAN MP 96950

MAGDELENA C. CAMACHO  
CHAIRPERSON

DAVID C. SABLAN  
GENERAL MANAGER

JUANITA H. MUNDO    RITA U. BAILAS    LOURDES B. ALDAN    BEN S. SALAS  
VICE CHAIRPERSON    SECRETARY    MEMBER - TINIAN    MEMBER - SAIPAN

Februru 04, 1997

Cor-97-009

**NOTICIA PARA I PUBLICO  
POT I  
PROPOCITO NA REGULACION**

I Board of Directors (BOARD) I Commonwealth Government employees' Credit Union (CGECU) ma infotoma I publico na I propocito na regulacion esta ma potplica. Esti na areglu ma prepara para u establieshi areglu yan regulacion pot para u guaha sanu yan effectibo na administracion yan operacion I Credit Union. I BOARD, sigun gi Seciona 7(c) nui I lain Publico 9-52, ninai pudet yan atoridat para u na guaha esti na Regulacion siha.

I propocito na areglu ma potblilica gi Commonwealth Register. Copian I Commonwealth Register, sinaha un suda gi Officinan I Attorney General.

Yangin guaha persona interesante man nai inasu pat malagu information pot I propocito na Regulacion, u tugii I Board of Directors, Commonwealth Government Employees' Credit Union, P. O. Box 135, Saipan MP 96950, gi halom trenta (30) dias desti I ma publicanna I Regulacion gi Commonwealth Register.

Ni lagus as:



Magdalena C. Camacho, Chairperson

02.05.97

Date

Maricibi gi:



Herman T. Guerrero  
Executive Assistant to the Governor  
Office of the Governor

FEB 05 1997

Date

Ma entrega yan  
ma record as:



Soledad B. Sasamoto  
Registrar of Corporations

2/5/97

Date

TEL: (670)664-3900, FAX: (670)664-3910

**COMMONWEALTH GOVERNMENT EMPLOYEES'  
CREDIT UNION**

P. O. BOX 135, SAIPAN MP 96950

MAGDELENA C. CAMACHO  
CHAIRPERSON

DAVID C. SABLAN  
GENERAL MANAGER


JUANITA H. MUNDO RITA U. BAILAS LOURDES B. ALDAN BEN S. SALAS  
VICE CHAIRPERSON SECRETARY MEMBER - TINIAN MEMBER - SAIPAN

**ARONGORONGOL TOWLAP  
REEL AYOORAL ALLÉGHÚL  
CREDIT UNION YE YAAR SCHÓÓL ANGAANGAL GUBENNO LLÓL  
COMMONWEALTH**

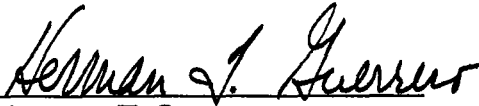
Schóól Aweewel (Board) Iyéélághil Isiisil me Tungórol Salaapi (Credit Union) ye Yaar Schóól Angaangal Gubenno Llól Commonwealth rekke arongaar towlap bwe Allégh kka ra ayoora nge a toolong llól Commonwealth Register. Allégh kkaal nge ebwe ayoora aweewe kka ebwe lemeli mwóghutughutul Iyéélághil Isiisil me Tungórol Salaapi ye Yaar Schóól Angaangal Gubenno Llól Commonwealth. Schóól Aweewel Iyéélágh yeel (Board) re ayoora Allegh Lapalapa llól Commonwealth sáangi Talil 7(c) llól Alléghúl Towlap 9-52 iye ee abweriló yaar angaang.

Allégh kkaal me Aweewe kkaal nge re iselilong llól Commonwealth Register. Emmwel ubwe aiyégh kopiyaal me reel Bwulasiyool Attorney General.

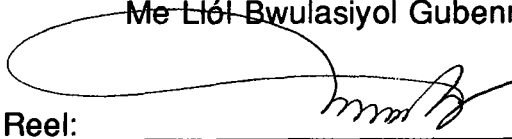
Ngare eyoor yóómw aiyégh me meeta mefiyómw reel Allégh kkaal ngare Aweewe kkal nge ubwe ischi ngáli Schóól Aweewel (Board) Iyéélághil Isiisil me Tungórol Salaapi ye Yaar Schóól Angaangal Gubenno Llól Commonwealth, P.O. Box 135, Seipél, MP 96950 nge essóbw luuló eliigh (30) ráál igha re aa towoowul llól Commonwealth Register.

E Towoow Me Reel:   
Magdalena C. Camacho  
Mwóóghas

02.05.97  
Ráál

E Toolong Reel:   
Herman T. Guerrero  
Executive Assistant Ngáli Gubenno  
Me Llól Bwulasiyol Gubenno

FEB 05 1997  
Ráál

E Isiisilong Reel:   
Soledad B. Sasamoto  
Schóól Akkamwaschil Tiliigh

2/5/97  
Ráál

TEL: (670)664-3900, FAX: (670)664-3910

TABLE OF CONTENTS

ARTICLE I.	STATEMENT OF AUTHORITY; GENDER	1
ARTICLE II.	DEFINITIONS	1
ARTICLE III.	MEMBERSHIP	3
ARTICLE IV.	MEMBERS' DEPOSITS AND SAVINGS	4
ARTICLE V.	INVESTMENTS	5
ARTICLE VI.	LOANS AND OTHER CREDITS TO MEMBERS	6
ARTICLE VII.	ALLOTMENTS	7
ARTICLE VIII.	SECURITY, COLLATERAL AND INSURANCE	7
ARTICLE IX.	DEFAULT	8
ARTICLE X.	COSIGNER, ENDORSER AND GUARANTOR	9
ARTICLE XI.	FEEES	9
ARTICLE XII.	PETTY CASH & CHANGE FUNDS; HANDLING OF CASH	9
ARTICLE XIII.	INTEREST OR PATRONAGE REFUNDS	10
ARTICLE XIV.	RESERVES	11
ARTICLE XV.	RECORD KEEPING, AUDITING AND ACCOUNTING	11
ARTICLE XVI.	BYLAWS PROVISIONS	12
ARTICLE XVII.	PRIVATIZATION	12
ARTICLE XVIII.	DEBT	12
ARTICLE XIX.	COMMUNITY SERVICE	13
ARTICLE XX.	PROCUREMENT; ASSETS AND LIABILITIES	13
ARTICLE XXI.	PROHIBITED ACTIVITIES; PENALTIES	13
ARTICLE XXII.	AMENDMENT; EMERGENCY REGULATIONS; SEVERABILITY	14

**COMMONWEALTH GOVERNMENT EMPLOYEES' CREDIT UNION REGULATIONS**

**ARTICLE I.        STATEMENT OF AUTHORITY; GENDER**

Section 1. These Regulations are proposed by the Board of Directors (the "Board") of the Commonwealth Government Employees' Credit Union (the "Credit Union"), pursuant to the authority granted the Board by the "Commonwealth Government Employees' Credit Union Act Of 1994", CNMI Public Law 9-52 (the "Act") to effectuate the purposes of the Credit Union as expressed in the Act, these Regulations, and the Credit Union's bylaws.

SECTION 2. Personal pronouns used herein shall not be considered to have gender-specific meaning or application. Thus, the word "his" may be freely substituted with "her".

**ARTICLE II.       DEFINITIONS**

As used in these Regulations, the terms set forth below shall have the following definitions:

"Allotment" means that amount which is deducted directly from a Member's compensation paid or payable from the CNMI Government and which is paid or payable to the Credit Union pursuant to an Allotment Form executed by the Member.

"Board" means the Board of Directors of the Commonwealth Government Employees' Credit Union.

"Borrowing Member" means a Credit Union Member who has borrowed, or applied to borrow, a loan or other credit from the Credit Union, whether or not the Member has a cosigner, guarantor or endorser.

"Commonwealth" or "CNMI" refers to the Commonwealth of the Northern Mariana Islands.

"Credit Union or CGECU" means the Commonwealth Government Employees' Credit Union.

"Cosigner" means a Member who renders himself or herself liable for the obligation of another person without receiving

**COMMONWEALTH GOVERNMENT EMPLOYEES' CREDIT UNION REGULATIONS**

goods, services, or money in return for the credit obligation, or, in the case of an open-ended credit obligation, without receiving the contractual right to obtain extensions of credit under the obligation. The term includes any person whose signature is requested as a condition to granting credit to a Member, or as a condition for forbearance on collection of a Member's obligation that is in default. The term does not include a spouse whose signature is required on a credit obligation to perfect a security interest pursuant to Commonwealth law.

"Debt" means money that is due or alleged to be due from a Member to another person or entity, including the Credit Union.

"Earnings" means compensation paid or payable to an individual or for his or her account for personal services rendered or to be rendered by him or her, whether denominated as wages, salary, commission, bonus, or otherwise, including periodic payments pursuant to a pension, retirement, or disability program, including worker's compensation.

"Field of Membership" means that group of persons employed by or retired from the government of the CNMI, and other persons as more fully set forth in Article III, Section 1 of these Regulations.

"General Manager" means the General Manager of the Credit Union.

"Immediate Family Member(s)" means the spouse and minor children of a Member, including legally adopted minor children.

"Incompetent Person" means a person who is under a physical or psychological disability which prevents his ability to work, provided that the disability is not the result of a substance abuse problem.

"Member" means a person within the Field of Membership who applies for and receives membership in the Credit Union and is a depositor in the Credit Union by way of allotment.

"Minor Child" means a person under the age of 18 years (or



**COMMONWEALTH GOVERNMENT EMPLOYEES' CREDIT UNION REGULATIONS**

under the age of 25 years if a full-time student).

"Obligation" means an agreement between the Credit Union and a Member.

"Spouse" means the lawfully married spouse of a Member.

**ARTICLE III. MEMBERSHIP**

SECTION 1. Unless otherwise provided by Commonwealth law, the Credit Union's Field of Membership shall be limited to the following persons:

(A) Full-time or part-time employees and retirees of the Government of the Commonwealth of the Northern Mariana Islands (the "CNMI Government"), whether the employee is civil service or excepted service, and the person is employed in and/or resides (as a retiree) in the CNMI, Guam, Hawaii, USA and other US Territories and possession.

(B) The spouse and minor children of such CNMI Government employee(s) or retiree(s), provided that the employee or retiree is a Member of the Credit Union.

(C) Employees of the Credit Union.

SECTION 2. The Board shall not expand the Field of Membership to include persons who are not the Immediate Family Members of a Member or non-US citizens employed by the CNMI in foreign countries.

SECTION 3. A person eligible for Membership in the Credit Union may become a Member of the Credit Union by:

(A) Completing and executing an application for Membership on such form(s) as the Board may approve; and

(B) Establishing, and depositing money into a Credit Union savings account by way of an allotment.

**COMMONWEALTH GOVERNMENT EMPLOYEES' CREDIT UNION REGULATIONS**

SECTION 4. A Member who leaves government service, or a Member who otherwise by his or her action or by operation of law is thereafter considered to be without the Field of Membership, may maintain his or her Membership in the Credit Union so long as that Member continues to fulfill those obligations required by these Regulations, e.g. payment of an allotment to the Credit Union, and such other requirements as the Board may provide by resolution.

SECTION 5. A Member may be expelled from Membership in the Credit Union for failure to pay three consecutive allotments. Such expulsion shall be conducted in the following manner:

(A) Within ten (10) business days of the Member's first failure to timely pay a regular allotment, the General Manager of the Credit Union shall send that Member a letter notifying the Member of his or her delinquency.

(B) Within ten (10) business days of the Member's second consecutive failure to timely pay an allotment (and pay the previous allotment remaining due), the General Manager of the Credit Union shall send the Member a second letter notifying the Member of his or her delinquency.

(C) Within ten (10) business days of the Member's third consecutive failure to timely pay an allotment (and pay the two previous allotments remaining due), the General Manager of the Credit Union shall send the Member a letter notifying him or her that his Membership in the Credit Union has been discontinued.

(D) Expulsion or withdrawal shall not operate to relieve a Member of any liability to the Credit Union.

ARTICLE IV. MEMBERS' DEPOSITS AND SAVINGS

SECTION 1. The Credit Union shall accept money for deposit into the Credit Union savings accounts. All such deposits shall be accounted for as savings and reflected as a current liability of the Credit Union.

## COMMONWEALTH GOVERNMENT EMPLOYEES' CREDIT UNION REGULATIONS

SECTION 2. A member may withdraw from his or her Credit Union savings account only such amounts which are not serving as security for a Credit Union loan(s) or credit(s) to that member and/or another member. Only if a borrowing member's savings exceeds his or her loan or credit balance and/or another members' loan or credit balance shall a member (whether the borrowing member or a member who has pledged his/her account as security) be able to withdraw the excess balance of a savings account.

SECTION 3. Savings accounts shall accrue interest at the rates established from time to time by resolution of the Board.

### ARTICLE V. INVESTMENTS

SECTION 1. The Credit Union may accept funds for investment by Members, or from any government agency, authority, commission or office. The Board shall establish the rates of return, and other terms and conditions applicable to such investments, including penalties for early withdrawal. Public notice of all such investment terms shall be posted at the Credit Union's offices, and provided to each investor in writing.

SECTION 2. A Member may offer her savings or investments with the Credit Union as collateral to secure a Credit Union loan by herself or other Credit Union Member(s), on such terms as may be established by resolution of the Board.

SECTION 3. Except as provided by resolution of the Board, no investment, whether or not mature, may be withdrawn or redeemed if such funds serve as collateral or other security for a Credit Union loan or other credit. However, the interest earned upon maturity of the investment or the principal amount of the investment that exceeds the principal loan balance being secured by the investment may be disbursed and paid to the holder (member) of the investment(debenture) certificate and the balance thereof shall be rolled-over for another term until the principal loan balance is fully satisfied. An investment certificate approved by the Board shall be prepared and issued in accordance with the terms and conditions set forth by these Regulations, Bylaws, and the Resolutions of the Board.

COMMONWEALTH GOVERNMENT EMPLOYEES' CREDIT UNION REGULATIONS

ARTICLE VI. LOANS AND OTHER CREDITS TO MEMBERS; CREDIT COMMITTEE

SECTION 1. The Credit Union may offer loans or other types of credit, including, but not limited to, automobile loans, home loans, emergency loans, consumer loans, and lines of credit, to Members on such terms and conditions as shall established by resolution of the Board.

SECTION 2. All Members requesting a loan or other credit from the Credit Union shall, at a minimum, (a) complete an application, and (b) authorize the Credit Union to check his or her credit history. By resolution, the Board may require other application procedures to be completed before the Credit Union may extend a loan or other credit to the Member.

SECTION 3. The General Manager shall have the authority to approve, without prior approval or other action of the Board or Credit Committee, loans or other credits to any one Member in an aggregate amount not exceeding Twenty Thousand dollars (\$20,000.00).

SECTION 4. The Bylaws of the Credit Union shall provide for a Credit Committee to be comprised of Members of the Board. The Credit Committee shall be responsible for (1) reviewing and approving or disapproving requests for loans or other credits in an aggregate amount exceeding Twenty Thousand dollars (\$20,000.00) by any one Member, and (2) reviewing requests for loans or other credits totalling \$20,000 or less if the General Manager did not approve such request. The Credit Committee shall maintain records of its proceedings and complete its duties in a timely fashion. The Credit Committee also shall have such other duties and responsibilities as may be provided in the Credit Union Bylaws or as established by resolution of the Board.

SECTION 5. No loan or other credit shall be extended to:

- (A) Board Members or their spouses.
- (B) Members who are minor or incompetent.

**COMMONWEALTH GOVERNMENT EMPLOYEES' CREDIT UNION REGULATIONS**

(C) a Member's Immediate Family Members unless the Member accepts primary responsibility for the repayment of the loan or credit.

(D) a person who was a member of the former Saipan Credit Union (and who becomes a Member of the Credit Union) if that person has not fully repaid or refinanced a loan or other credit provided him by the former Saipan Credit Union.

**ARTICLE VII. ALLOTMENTS**

SECTION 1. The Credit Union shall have the authority to secure a portion of each Member's CNMI government paycheck to be known generally as an "allotment." A Member's agreement to an allotment from his or her bi-weekly paycheck shall be on such forms as the Board or Credit Committee shall approve and amend from time to time. The Board may provide for other terms and conditions on allotments.

SECTION 2. All persons applying for membership in the Credit Union shall execute an Allotment form which will serve as the Member's promise to a total deposit of not less than Twenty-Five Dollars (\$25.00) per CNMI government pay period into the Member's Credit Union savings account.

SECTION 3. As a condition to receiving any loan or credit from the Credit Union, a Member shall execute such documents as the Credit Union may require, to provide for an increase in his allotment each pay period, which is to be used as payment toward the principle and interest on any Credit Union loan or other credit extended to him. This increased allotment may include such amount as determined pursuant to the "Equity and Term Scale" and shall remain deductible from the Members' paycheck until the loan is fully paid, or as altered with the approval of the General Manager.

**ARTICLE VIII. SECURITY, COLLATERAL AND INSURANCE**

SECTION 1. Except as provided by the Board by Resolution, the Credit Union shall make no loan or extend any credit in excess of

**COMMONWEALTH GOVERNMENT EMPLOYEES' CREDIT UNION REGULATIONS**

ten thousand dollars (\$10,000.00) unless the Borrowing Member offers sufficient security or collateral for the loan or credit. The Board shall determine what may constitute sufficient security or collateral for a loan or credit, provided that, at a minimum, the collateral or other security offered for a loan must, on the date the loan is extended, be of a value not less than 105% of the proposed total amount of the loan.

SECTION 2. The General Manager shall take such steps as necessary to insure that all real property which is to be subject of, or which is offered as security for any Credit Union loan, is secured with good Preliminary Title Research (PTR) report. If the property is subject for a second or third mortgage Credit Union loan or credit, the property shall be appraised by a licensed professional appraisal company, prior to the date the loan is approved or extended.

SECTION 3. A borrowing member and any loan co-maker, co-signer, endorser, or guarantor, shall be deemed to have assented to a pledge, and in fact pledged, such amount(s) of his, her or their Credit Union savings account(s), investments and future allotments with the Credit Union in an amount equivalent to the principle amount borrowed plus interest thereon, as security for such loan or credit until the loan or credit is fully paid, including any penalties applicable thereto. In no case shall this Section be read to mean that a borrowing member does not have an obligation to repay a loan or credit through payments allotted from his or her bi-weekly paycheck.

SECTION 4. All property, whether real or personal, which is either (a) offered as security or collateral for a loan or credit or (b) purchased, leased or otherwise obtained using the loan or credit taken for that purpose (such as an automobile or home) shall be insured against loss or damage in such manner as the Board shall provide by resolution.

ARTICLE IX. DEFAULT

SECTION 1. By resolution, the Board shall determine what constitutes a Borrowing Member "default" on a loan or credit

**COMMONWEALTH GOVERNMENT EMPLOYEES' CREDIT UNION REGULATIONS**

extended by the Credit Union to him or her, or by a Member acting as a guarantor or other surety on any collateral provided as security for a loan or credit. The Board also shall provide the procedures to be followed by the General Manager upon any such default.

**ARTICLE X. COSIGNER, ENDORSER AND GUARANTOR**

SECTION 1. A Credit Union Member may serve as the cosigner, endorser or guarantor of any Credit Union loan or credit to another Member, provided that the prospective cosigner, endorser, or guarantor agree in writing to comply, and does comply with, those applicable terms and conditions established by the Board by resolution.

SECTION 2. No Member of the Board, a Credit Union Committee, the General Manager, or any Credit Union employee shall serve as the cosigner, endorser or guarantor of any Credit Union loan or credit.

**ARTICLE XI. FEEES**

SECTION 1. As may be established by the Board, the General Manager may charge such reasonable fees for Credit Union transactions, including loans.

SECTION 2. The General Manager may deduct applicable fees or points from the borrowing Member's first (or subsequent) allotment payment(s).

**ARTICLE XII. PETTY CASH AND CHANGE FUNDS; HANDLING OF CASH BY CREDIT UNION EMPLOYEES**

SECTION 1. The Credit Union shall have a Petty Cash Fund for purchasing necessary items of low cost such as, but not limited to, office supplies. The total amount in the Petty Cash Fund at any one time shall not exceed One Hundred Dollars (\$100.00), provided that no purchase shall exceed the amount of \$20.00. This Fund may

**COMMONWEALTH GOVERNMENT EMPLOYEES' CREDIT UNION REGULATIONS**

be comprised of either cash on hand and/or credit account(s) maintained at vendors from which the Credit Union may purchase items from time to time. The Board may adopt additional controls over the Fund by resolution.

SECTION 2. The Credit Union shall have a Change Fund of a total amount of Five Hundred Dollars (\$500.00) or less. The Change Fund shall be maintained in accordance with procedures established by the Board.

SECTION 3. The Board shall establish procedures to be followed by all Credit Union employees concerning the handling, disbursing, and depositing of cash or monetary instruments to and from the Credit Union.

**ARTICLE XIII. INTEREST OR PATRONAGE REFUNDS**

SECTION 1. At the end of each Credit Union fiscal year, but not later than 14 days prior to the Annual Membership Meeting, the Board may declare and pay to Members such interest or patronage refunds from the Credit Union's profits for that fiscal year, and on such terms as it deems advisable, if the Board does first:

(A) obtain and consider the advice of the Credit Union's accountant(s) and counsel; and

(B) conducts a thorough review of the Credit Union's financial stability, including a determination that the Credit Union has earned, and most likely will continue to earn profits in an amount sufficient to justify the payment of such interest or patronage refund.

SECTION 2. As used in this Article, "profits" means that amount of earnings above the Credit Union's operating expenses.

SECTION 3. Upon approval by the Board of any such interest or patronage refund, the issue shall be subject to approval by a majority of the Members present at the next succeeding Annual General Membership Meeting. The Members' vote on whether to approve such interest or patronage refund shall be final.



COMMONWEALTH GOVERNMENT EMPLOYEES' CREDIT UNION REGULATIONS

ARTICLE XIV. RESERVES

SECTION 1. The Board shall establish such reserves or reserve accounts as necessary to comply with applicable law and in keeping with sound business practices. Reserves shall be deposited only with those banks meeting the minimum requirements under Commonwealth law.

ARTICLE XV. RECORD KEEPING, AUDITING AND ACCOUNTING

SECTION 1. The Credit Union's accounting year, also known as its fiscal year, shall be the same as the calendar year, January 1 through December 31.

SECTION 2. The Credit Union's books and records, including minutes of all Board and Committee meetings, shall be maintained by the General Manager in a safe place at least for the minimum period required by resolution of the Board, but in no event for less than three (3) years. All Credit Union books and records shall be disposed of only in the manner authorized by the Board. Public access to, and retrieval of all Credit Union records shall be in accordance with the limits and restrictions imposed by applicable federal and Commonwealth laws, and the Credit Union's Bylaws.

SECTION 3. In the event that the Commonwealth Public Auditor is unable or unwilling to perform such audits of the Credit Union as may be required by Commonwealth law, the Board shall timely authorize the General Manager to seek private certified public accountancy (CPA) firm to conduct such audit, which CPA firm shall first be approved by the Board.

SECTION 4. The Credit Union's records may be kept and maintained by an independent CPA firm, provided that the Board determines that use of an outside CPA firm is within the Credit Union's budget and approves the specific CPA firm to be hired. In addition to the use of services of an independent CPA firm, the General Manager, with the Board's approval, may hire one person to serve as the Credit Union's internal professional accountant.

COMMONWEALTH GOVERNMENT EMPLOYEES' CREDIT UNION REGULATIONS

ARTICLE XVI. BYLAWS PROVISIONS; MEETINGS; BOARD OF DIRECTORS; COMMITTEES; GENERAL MANAGER; EMPLOYEES; RESOLUTIONS OF THE BOARD

SECTION 1. The Board shall adopt Bylaws, which shall include provisions pertaining to and governing, at a minimum, the Board, Executive Committees, including the Credit Committee, regular and special meetings of the Membership and the Board, the duties and responsibilities of the General Manager and all Credit Union employees, and other matters which the Board deems in the best interest of the Credit Union Members.

SECTION 2. There shall be a general meeting of all members held each year on the evening of the last Saturday of March at a specific time and place duly approved by the Board on or before its regular monthly meeting in that same month.

SECTION 3. The Board shall have the authority to enact such resolutions as may be necessary to further the business of the Credit Union, and in light of the requirements of these Regulations, the Bylaws, and other matters as may from time to time arise. These resolutions shall be considered and enacted at regular or special meetings of the Board, and the text of any such enacted resolution(s) shall be available for inspection by any Member during regular business hours of the Credit Union.

ARTICLE XVII. PRIVATIZATION

SECTION 1. Pursuant to Commonwealth law, within three (3) years of operation, the Credit Union will convert from a CNMI government corporation to a private, non-profit corporation. Not later than ten (10) months prior to the date on which the Credit Union is to convert to a private sector entity, the Board shall approve a comprehensive plan to complete all phases of such conversion.

ARTICLE XVIII. DEBT

SECTION 1. Excepting those debts incurred by the Credit Union

**COMMONWEALTH GOVERNMENT EMPLOYEES' CREDIT UNION REGULATIONS**

which are incidental to its daily operations, debts of the Credit Union shall be authorized by the Board by resolution, and may include short-term or long-term loans on such terms and conditions as the Board shall deem favorable.

**ARTICLE XIX. COMMUNITY SERVICE**

SECTION 1. As a general policy, the Credit Union shall endeavor to serve the needs of the community through contributions to worthy causes and charities that benefit the community as a whole. The Board shall take such action, including appropriation of funds, as it deems advisable to further this general policy of community service.

**ARTICLE XX. PROCUREMENT; ASSETS AND LIABILITIES**

SECTION 1. The Board shall establish such procurement policy as it deems advisable, taking into account that the Credit Union will be privatized within three years.

SECTION 2. All right, title and interest in any assets and/or liabilities procured by the Credit Union with Credit Union funds, including any funds obtained by the Credit Union through any loan from a CNMI government agency or entity, shall remain Credit Union's assets and liabilities and shall not be appropriated in whole or in part by, or inure to, any government agency or entity, unless pursuant to rights under a loan agreement, security agreement, or other, similar agreement.

**ARTICLE XXI. PROHIBITED ACTIVITIES; PENALTIES FOR VIOLATION**

SECTION 1. No Credit Union director, officer, or employee, Member (or their family members) shall directly or indirectly solicit or obtain any compensation, refund, or commission for assisting, or attempting to assist, any Member or other person in applying for or obtaining any loan, credit, or an investment.

SECTION 2. So long as the Credit Union is a government

**COMMONWEALTH GOVERNMENT EMPLOYEES' CREDIT UNION REGULATIONS**

corporation, violations of Section 1 of this Article and/or violations of the applicable provisions of the Government Ethics Code Act of 1992, as amended (1 CMC Sec. 8501, et seq.) by a Credit Union director, officer or employee, or their family members shall be punishable in accordance with the provisions in that Act.

**ARTICLE XXII. AMENDMENT; EMERGENCY REGULATIONS; SEVERABILITY**

SECTION 1. The Board may propose amendments to these Regulations, if such proposed amendment is approved by the Board. All such proposed amendments must be published in the Commonwealth Register in accordance with applicable law.

SECTION 2. In the event of a true emergency, the General Manager may propose Credit Union emergency regulation(s) for the Credit Union as follows: (a) a written copy of the proposed emergency regulation is to be delivered to each Board Member by hand delivery or facsimile; (b) the Board shall thereafter have two (2) days to respond; (c) the Board Members individually may communicate their approval or disapproval of the proposed emergency regulation by telephone, facsimile or hand-delivered letter; (d) approval by a majority of those Board members responding shall be required to approve the proposed emergency regulation.

SECTION 3. If any Article, Section or other provision of these Regulations be declared invalid by a court of competent jurisdiction, the remainder of these Regulations shall not be effected thereby.



**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF PUBLIC SAFETY  
Jose M. Sablan Building  
Caller Box 10007  
Saipan, Mariana Islands 96950**



**PUBLIC NOTICE**

**DEPARTMENT OF PUBLIC SAFETY**

**PROPOSED ADOPTION OF MOTOR CARRIER SAFETY REGULATIONS**

The Department of Public Safety hereby gives notice to the public of its proposed adoption of motor carrier safety regulations which was authorized by the CNMI legislature and approved by the Governor in PL 10-11 and 1 CMC 2501 et seq. This notice is pursuant to the requirements of the Administrative Procedures Act 1 CMC 9104 et seq.

The purpose of these regulations is to adopt safety regulations for motor carriers and commercial motor vehicles which are consistent with current United States Motor Carrier Safety Regulations promulgated by the U. S. Department of Transportation.

The proposed motor carrier safety regulations are published in the Commonwealth Register. Copies of the Commonwealth Register may be obtained from the Office of the Attorney General. The public may submit written comments and recommendations regarding the proposed regulations during the thirty day period following the date of publication in the Commonwealth Register. Comments or recommendations should be sent to the Department of Public Safety at the following address:

Department of Public Safety  
Caller Box 10007  
Civic Center, Susupe  
Saipan, MP 96950

Facsimile - (670) 234-8531  
Cable - c/o (Gov. NMI Saipan)

Administrative Division  
(670) 234-6823/8536/6505

Central Station  
(670) 234-6333/6431

Corrections Division  
(670) 234-7254/8534

Female Detention  
(670) 235-4166

Patrol Division/Public Relations  
(670) 234-6823/8536

Investigation Section  
(670) 234-7208

Juvenile Unit/DARE  
(670) 233-0397

Motor Vehicle Bureau  
(670) 234-6921/9137

Office of Federal Programs  
(670) 233-7233/6021  
Fax: (670) 233-1542

Traffic Section  
(670) 234-6823/8536

Boating Safety Office  
(670) 322-4037

Academy & Training  
(670) 5639

Fire Station:  
Susupe: (670) 234-6222/9222  
Koblerville: (670) 234-1318  
Garapan: (670) 234-7212/7153  
Capitol Hill: (670) 322-8536

EMERGENCY - 911

Rota DPS  
(670) 532-9433  
Fax: (670) 532-9434

Tinian DPS  
(670) 433-9222  
Fax: (670) 433-9259

Issued by: Jose M. Castro 1-30-97  
JOSE M. CASTRO  
Commissioner of Public Safety  
Date

Received by: Herman T. Guerrero 02-03-97  
HERMAN T. GUERRERO  
Office of the Governor  
Date

Recorded by: Soledad B. Sasamoto 2/3/97  
SOLEDAD B. SASAMOTO  
Registrar of Corporations  
Date



**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF PUBLIC SAFETY  
Jose M. Sablan Building  
Caller Box 10007  
Saipan, Mariana Islands 96950**



Facsimile - (670) 234-8531  
Cable - c/o (Gov. NMI Saipan)

Administrative Division  
(670) 234-6823/8536/6505

Central Station  
(670) 234-6333/6431

Corrections Division  
(670) 234-7254/8534

Female Detention  
(670) 235-4166

Patrol Division/Public Relations  
(670) 234-6823/8536

Investigation Section  
(670) 234-7208

Juvenile Unit/DARE  
(670) 233-0397

Motor Vehicle Bureau  
(670) 234-6921/9137

Office of Federal Programs  
(670) 233-7233/6021  
Fax: (670) 233-1542

Traffic Section  
(670) 234-6823/8536

Boating Safety Office  
(670) 322-4037

Academy & Training  
(670) 5639

Fire Division:  
Susupe: (670) 234-6222/9222  
Koblerville: (670) 234-1318  
Garapan: (670) 234-7212/7155  
Capitol Hill: (670) 322-8536

EMERGENCY - 911

Rota DPS  
(670) 532-9433  
Fax: (670) 532-9434

Tinian DPS  
(670) 433-9222  
Fax: (670) 433-9259

**NUTISIAN PUPBLIKU**

**I MA PROPOPONI NA INADAPTAN I REGULASION MOTOR CARRIER SAFETY**

I Dipattamenton Public Safety ginen este ha nana'i nutisia i pupbliku nu i propoponini na para u adapta i regulasion motor carrier safety siha ni ma aturisa nu i Lehislaturan CNMI yan ma aprueba nu i Gubetno ni Lai Pupbliku Numiru 10-11 yan i 1 CMC 2501 et seq. Este na nutisia umakonfotme yan i mangginagagao siha na kondesion i Administrative Procedures Act yan i 1 CMC 9104 et seq.

I propositon este siha na regulasion ayu i para u ma adapta i regulasion inasigura para i motor carriers yan karetan kometsiante siha ni manakonfotme yan i presente na regulasion Estados Unidos put Motor Carrier Safety ni ma laknos nu i Dipattamenton Transpottasion Estados Unidos.

I manma propoponi siha na regulasion motor carrier safety manma pupblika gi halom i Rehistran Commonwealth. Kopia siha put i Rehistran Commonwealth siha manma chule' ginen i Ofisina i Attorney General. I pupbliku siha mana'halom tinige' siha na komento yan rekomendasion put i manmapropoponi siha na regulasion gi duranten trenta (30) dias na tetminu despues di i fechan publikasion gi halom i Rehistran Commonwealth. Todu komento osino' rekomendasion siha debi di u mana'fanhanao guato gi i Dipattamenton Public Safety gi i sigente na adres:

Department of Public Safety  
Caller Box 10007  
Saipan, MP 96950

Ma laknos ginen: Jose M. Castro  
JOSE M. CASTRO  
Commissioner of Public Safety

1-30-97  
Fecha

Ma risibi as Herman T. Guerrero  
HERMAN T. GUERRERO  
Office of the Governor

02-03-97  
Fecha

Ma rekot as Soledad B. Sasamoto  
SOLEDAD B. SASAMOTO  
Rehistradoran Kotporasion siha

2/3/97  
Fecha



**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF PUBLIC SAFETY  
Jose M. Sablan Building  
Caller Box 10007  
Saipan, Mariana Islands 96950**



Facsimile - (670) 234-8531  
Cable - c/o (Gov. NMI Saipan)

Administrative Division  
(670) 234-6823/8536/6505

Central Station  
(670) 234-6333/6431

Corrections Division  
(670) 234-7254/8534

Female Detention  
(670) 235-4166

Patrol Division/Public Relations  
(670) 234-6823/8536

Investigation Section  
(670) 234-7208

Juvenile Unit/DARE  
(670) 233-0397

Motor Vehicle Bureau  
(670) 234-6921/9137

Office of Federal Programs  
(670) 233-7233/6021  
Fax: (670) 233-1542

Traffic Section  
(670) 234-6823/8536

Boating Safety Office  
(670) 322-4037

Academy & Training  
(670) 5639

Fire Station:  
Susupe: (670) 234-6222/9222  
Koblerville: (670) 234-1318  
Garapan: (670) 234-7212/7153  
Capitol Hill: (670) 322-8538

EMERGENCY - 911

Rota DPS  
(670) 532-9433  
Fax: (670) 532-9434

Tinian DPS  
(670) 433-9222  
Fax: (670) 433-9259

**ARONGORONGOL TOWLAP  
DIPATAMENTUOL PUBLIC SAFETY**

**POMOL ADOPTION REEL ALLEGHUL MOTOR CARRIER SAFETY**

Dipatamentool Public Safety sangi milleel nge ekke arongaar towlap igha ekke pomoli bwe ebwele adaptaali Alléghul Motor Carrier Safety sangi bwangiir Sow-Alléghul CNMI (legislature) nge Gubenko e angunguúw mellól Alléghul Towlap ye PL 10-11 me 1 CMC 2501 et seq. Arongorong yeel nge e attabweey lemelemil Administrative Procedures Act 1 CMC 9104 et seq.

Bwulúl Allégh kkaal nge ebwe ayoora me adaptaáli Alléghul bwe essóbw yoor liliwós reel motor carriers me commercial carriers igha ebwe weewe fengál me Alléghul Unites States Motor Carrier Safety Regulation iye férúyeer schóol U.S. Department of Transportation.

Pomol fféerúl Alléghul motor carrier safety kkaal nge e atotoowow mellól Commonwealth Register. Aramas ye e tipáli nge emmwel schagh ebweló bweibwogh kopiyaal Commonwealth Register sangi Bwulasiyool Attorney General. Rekke tingór ngaliir towlap bwe rebwe ischiitiw meeta mangemangiir me tipeer reel owtol allégh kkaal llól eliigh (30) rál sangi igha e toowow mellól Commonwealth Register. Mangemang me tiip kkaal nge rebwe afanga ngáli Dipatamentool Public Safety reel address ye faal

Department of Public Safety  
Caller Box 10007  
Civic Center, Susupe  
Saipan, MP 96950

Isaliyalwaw Jose M. Castro  
JOSE M. CASTRO  
Comissioner of Public Safety

1-31-97  
Rál

Bwughiiyal Herman T. Guerrero  
HERMAN T. GUERRERO  
Office of the Governor

02-03-97  
Rál

Isaliyal Soledad B. Sasamoto  
SOLEDAD B. SASAMOTO  
Registrar of Corporations

2/3/97  
Rál



**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF PUBLIC SAFETY  
Jose M. Sablan Building  
Caller Box 10007  
Saipan, Mariana Islands 96950**



Facsimile - (670) 234-8531  
Cable - c/o (Gov. NMI Saipan)

Administrative Division  
(670) 234-6823/8536/6505

Central Station  
(670) 234-6333/6431

Corrections Division  
(670) 234-7254/8534

Female Detention  
(670) 235-4166

Patrol Division/Public Relations  
(670) 234-6823/8536

Investigation Section  
(670) 234-7208

Juvenile Unit/DARE  
(670) 233-0397

Motor Vehicle Bureau  
(670) 234-6921/9137

Office of Federal Programs  
(670) 233-7233/6021  
Fax: (670) 233-1542

Traffic Section  
(670) 234-6823/8536

Boating Safety Office  
(670) 322-4037

Academy & Training  
(670) 5639

Fire Division:  
Susupe: (670) 234-6222/9222  
Koblerville: (670) 234-1318  
Garapan: (670) 234-7212/7153  
Capitol Hill: (670) 322-8536

EMERGENCY - 911

Rota DPS  
(670) 532-9433  
Fax: (670) 532-9434

Tinian DPS  
(670) 433-9222  
Fax: (670) 433-9259

**CERTIFICATION**

**DEPARTMENT OF PUBLIC SAFETY**

**PROPOSED ADOPTION OF MOTOR CARRIER SAFETY REGULATIONS**

I, Jose M. Castro, Commissioner of Public Safety, am publishing these Proposed Motor Carrier Safety Regulations. This is a true, correct and complete copy of the proposed regulations. I request this certification and the Proposed Regulations be published in the Commonwealth Register.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 30<sup>th</sup> day of January, 1997 at Saipan, Commonwealth of the Northern Mariana Islands.

\_\_\_\_\_  
**JOSE M. CASTRO**

Commissioner, Department of Public Safety



# MOTOR CARRIER SAFETY REGULATIONS

## I. PURPOSE

These Regulations are being adopted pursuant to PL 10-11 and 1 CMC 2501 et seq. They are designed to provide minimum safety requirements for motor carriers and to establish a mechanism of inspection to ensure compliance with the law and these Regulations. These Regulations have been established by the U. S. Department of Transportation.

## II. ADOPTION OF FEDERAL MOTOR CARRIER SAFETY REGULATIONS

The Department of Public Safety (DPS) hereby adopts by reference the following regulations contained in 49 Code of Federal Regulations (CFR) Parts 107, 171 - 173 inclusive, 178 and 180 (as revised on October 1, 1995 and may be later revised). DPS also adopts by reference Parts 382, 383, 387, 390 - 393, 395 - 397 and Part 40 inclusive and appendices D, E and G (as revised on February 1, 1996 and may be later revised).

A copy of these Federal Regulations may be purchased through the Superintendent of Public Documents, U. S. Government Printing Office, Washington, D. C. 20402.

## III. AMENDMENTS

These Regulations are adopted in their entirety with the following amendments:

A. The term "state" is amended to read: Commonwealth of the Northern Mariana Islands (CNMI).

B. References to the Department of Transportation, the Federal Highway Administration and the Office of Motor Carrier Safety are amended to refer to the Department of Public Safety (DPS) and the Bureau of Motor Carriers (BMC).

C. References to the Federal Highway Administrator and to the Director are amended to refer to the Commissioner of DPS and to the officer in charge (OIC) of BMC.

D. References to special agents are amended to include sworn police officers of DPS.

E. Interstate also means inter island and intrastate also means intra island where applicable.

F. The definition of "motor carrier" in 49 CFR is amended to read:

"Motor carrier" includes interstate, intrastate and inter island, intra island, common, contract and private carriers of property and passengers, including their agents, officers and representatives.

G. The definition of "commercial motor vehicle" in 49 CFR is amended to read:

"Commercial motor vehicle" means any self-propelled or towed vehicle used on public roads or highways in:

1. Interstate or inter island commerce to transport passengers or property if the vehicle:

(a) is designated to transport 8 or more passengers including the driver; or,

(b) is used in the transportation of hazardous materials of any quantity; or,

© has a gross vehicle weight rating or gross combination weight rating of more than 10,000 pounds.

2. Intrastate or intra island commerce to transport passengers or property in the vehicle as described in 1 above or:

(a) is owned or operated by a motor carrier subject to the jurisdiction of the CNMI; or

(b) if the vehicle is not one described in paragraphs 1 (a) or (b) above, the vehicle is subject only to those provisions of 49 CFR 390, 391.51, 392.2, 393.4, 392.5, 392.9, 396.3(b)(2), 2393 and 397.

H. The minimum levels of financial responsibility established in 387.7 schedule of limits is amended to read:

1. Type of Carriage: For-hire interstate or foreign commerce, with a gross weight rating of 10,000 or more pounds.

(a) Commodity transported: property (nonhazardous)

(b) Amendment: The minimum level of financial responsibility required is amended from \$750,000 to \$375,000;

2. Type of Carriage: For-hire and Private (in interstate, foreign, or intrastate commerce, with a gross vehicle rating of 10,000 or more pounds).

(a) Commodity transported: Hazardous substances, as defined in 49 CFR 171.8 transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons; or in bulk Division 1.1 etc.

(b) Amendment: The minimum level of financial responsibility required is amended from \$5,000,000 to \$2,500,000.

3. Type of carriage: For-hire and Private (in interstate or foreign commerce; in any quantity; or in intrastate commerce, in bulk only with a gross vehicle weight rating of 10,000 or more pounds).

(a) Commodity transported: Oil listed in 49 CFR; hazardous waste; hazardous materials and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in 2 above or 4 below.

(b) Amendment: The minimum level of financial responsibility required is amended from \$1,000,000 to \$500,000.

4. Type of carriage: For-hire and Private (in interstate or foreign commerce with a gross vehicle weight rating of less than 10,000 pounds).

(a) Commodity transported: Any quantity of Division 1.1, 1.2, or 1.3 material; any quantity of Division 2.3, Hazard Zone A, or Division 6.1, Packing Group 1, Hazard Zone A material; or highway route controlled quantities of a Class 7 material as defined in 49 CFR 173.403.

(b) Amendment: The minimum level of financial responsibility required is amended from \$5,000,000 to \$2,500,000.

I. The minimum levels of financial responsibility established in 49 CFR 387.33 schedule of limits is amended as follows:

1. Vehicle Seating capacity is amended from a seating capacity of 16 passengers or more. The minimum level of financial responsibility required is amended from \$5,000,000 to \$2,500,000.

2. Vehicle Seating capacity is amended from a seating capacity of 15 passengers or less. The minimum level of financial responsibility required is amended from \$1,500,000 to \$750,000.

#### IV. DESCRIPTION OF FEDERAL REGULATIONS ADOPTED

- A. 49 CFR 107. Hazardous Materials Program Procedures: Prescribes procedures and duties of the regulating agencies pertaining to the transportation of hazardous materials.
- B. 49 CFR 171. Hazardous Materials Regulations: Prescribes the requirements of the Department of Transportation in the transportation of hazardous materials including hazardous waste, hazardous substances, flammable cryogenic liquids in portable tanks and cargo tanks and marine pollutants.
- C. 49 CFR 172. Hazardous Materials Table, Special Provisions for Communications, Emergency Response and Training Requirements concerning Hazardous Materials: also contains Label specifications.
- D. 49 CFR 173. General requirements for packaging and shipping hazardous materials.
- E. 49 CFR 177. Regulations concerning the shipment of hazardous materials: Includes provisions for inspections, loading and unloading of materials and regulations for hazardous materials on motor vehicles carrying passengers for hire.
- F. 49 CFR 178. Specifications for packaging hazardous materials.
- G. 49 CFR 180. Qualification and maintenance of bulk containers, cargo tanks and tank cars.
- H. 49 CFR 382. Controlled Substances and Alcohol Use and Testing: prohibits operators of commercial vehicles from using controlled substances or operating a commercial vehicle with an alcohol concentration of 0.04 or greater. Provides for drug and alcohol testing of commercial drivers.
- I. 49 CFR 383. Commercial Driver's License Standards Requirements and Penalties: Requires commercial drivers to pass certain requirements of knowledge and skills for a commercial operator's license. Provides for disqualification of commercial driver's licenses as a result of certain prohibited acts.
- J. 49 CFR 387. Minimum Levels of Financial Responsibility for Motor Carriers. Specified portions of this part are amended in the CNMI. See above.
- K. 49 CFR 390. Establishes general requirements and information for motor carriers including compliance with driver regulations, prohibition against driving while under the influence of alcohol.
- L. 49 CFR 391. Establishes minimum qualifications for commercial motor vehicle drivers.

- M. 49 CFR 392. Establishes certain rules for operation of commercial vehicles.
- N. 49 CFR 393. Requires safety equipment for commercial vehicles.
- O. 49 CFR 385. Establishes maximum hours of service for commercial operators.
- P. 49 CFR 396. Provides for Inspection, repair and maintenance of commercial vehicles.
- Q. 49 CFR 397. Establishes rules concerning the transportation, driving and parking of vehicles carrying hazardous materials.
- R. 49 CFR 40. Establishes procedures drug and alcohol testing programs in the workplace. Requires employers of commercial operators follow certain procedures for the testing of alcohol or drugs.
- S. 49 CFR Appendix D. Table of disqualifying drugs and other substances, schedule I
- T. 49 CFR Appendix E. Tables of disqualifying drugs and other substances, schedules II through V.
- U. 49 CFR Appendix G. Minimum periodic inspection standards.

## V. ENFORCEMENT

A. Sworn officers of DPS have the power to enforce these Regulations and may:

1. Enter the property of a shipper or carrier during regular business hours to inspect records, facilities, cargo and cargo areas and vehicles, and
2. Conduct random or scheduled inspections of any commercial vehicle operating on a public road or highway.
3. Conduct random or scheduled inspections on any other motor vehicle which is transporting, or suspected of transporting, hazardous materials of any quantity on public roads and highways.

B. Carrier Fine Schedule is attached in Appendix A. This schedule will be maintained by DPS Bureau of Motor Carriers and may be revised without the necessity of passing specific regulations adopting a new schedule.

**DEPARTMENT OF PUBLIC SAFETY UNIFORM OUT-OF-SERVICE CRITERIA  
REFERENCE TO UNIFORM FINE SCHEDULE**

Driver Out-of-Service Criteria		Driver Uniform Fine Schedule			
Paragraph	Violation	Group	One Driver Violation	Two Within Same Group	Three Within Same Group
	Driver Under 18	3	\$30	\$90	\$150
	No Operators License (non-CDL)	3	\$30	\$90	\$150
	CDL Violations	3	\$30	\$90	\$150
	Disqualified Driver	1	\$500	\$1,000	\$1,500
	Drug Possession	1	\$500	\$1,000	\$1,500
	Under the Influence (Drugs)	1	\$500	\$1,000	\$1,500
	Intoxicating Beverage (Detectable Presence/Under the Influence/ Possession Open Container	1	\$500	\$1,000	\$1,500
	Intoxicating Beverage (Unopen container in cab)	3	\$30	\$90	\$150
<b>Violation of Out-of-Service Notice (Each Notice, Not Each Offense)</b>					<b>\$1,000</b>

**Note:** Maximum Accumulated Fine for each group is the highest fine indicated for each group. For example, three separate violations for any group 3 item would be \$150 for those three violations.

**Note:** Group = The severity rating assigned to each violation with the #1 being the most severe.

**DEPARTMENT OF PUBLIC SAFETY UNIFORM OUT-OF-SERVICE CRITERIA  
REFERENCE TO UNIFORM FINE SCHEDULE**

Vehicle Out-of-Service Criteria		Vehicle Uniform Fine Schedule			
Paragraph	Description	Group	One Violation	Two Same Group	Three Within Same Group
	Vacuum System Reserve	1	\$100	\$300	\$600
	Vacuum Hoses or Lines	2	\$50	\$150	\$250
<b>COUPLING DEVICES, ALL(WHEN IN USE)</b>		1	\$100	\$300	\$600
<b>EXHAUST SYSTEM(ALL)</b>		3	\$30	\$90	\$150
<b>FRAME SYSTEM</b>					
	Cracked, Broken, Displaced	1	\$100	\$300	\$600
	Tire and Wheel Clearance	1	\$100	\$300	\$600
	Adjustable Axle (Pins and Locks)	2	\$50	\$150	\$250
<b>FUEL SYSTEM</b>					
	Leaking, Missing Cap	3	\$30	\$90	\$150
	Fuel Tank Mounting	2	\$50	\$150	\$250
<b>LIGHTING DEVICES (WHEN LIGHTS ARE REQUIRED)</b>					
	Head and Tail Lamps	2	\$50	\$150	\$250
	Turn and Stop Lamps	2	\$50	\$150	\$250
<b>SAFE LOADING</b>		1	\$100	\$300	\$600
<b>STEERING MECHANISM</b>		1	\$100	\$300	\$600
<b>SUSPENSION</b>		2	\$50	\$100	\$150
<b>TIRES</b>					
	Steering Axle	1	\$100	\$300	\$600
	All Others	3	\$30	\$90	\$150
<b>VAN/OPEN-TOP TRAILER BODIES</b>		2	\$50	\$150	\$250
<b>WHEELS AND RIMS</b>		2	\$50	\$150	\$250
<b>WINDSHIELD WIPERS</b>		3	\$30	\$90	\$150
<b>EMERGENCY EXITS (BUSES)</b>		1	\$100	\$300	\$600

NOTE: MAXIMUM ACCUMULATED FINE FOR EACH GROUP IS THE HIGHEST FINE INDICATED FOR EACH GROUP.

**DEPARTMENT OF PUBLIC SAFETY UNIFORM OUT-OF-SERVICE CRITERIA  
REFERENCE TO UNIFORM FINE SCHEDULE**

Vehicle Out-of-Service Criteria		Vehicle Uniform Fine Schedule			
Paragraph	Description	Group	One Violation	Two Same Group	Three Within Same Group
<b>BRAKE SYSTEMS</b>					
	Defective Braking Action	1	\$100	\$300	\$600
	Missing Component	1	\$100	\$300	\$600
	Loose Component	2	\$50	\$150	\$250
	Audible Air Leak Brake Chamber	3	\$30	\$90	\$150
	Readjustment Limits	2	\$50	\$150	\$250
	Brake Linings or Pads	2	\$50	\$150	\$250
	Missing Brake	1	\$100	\$300	\$600
	Defective Braking Action (Steering)	1	\$100	\$300	\$600
	Brake Mismatch (Steering)	2	\$50	\$150	\$250
	Brake Lining or Pad (Steering)	2	\$50	\$150	\$250
	Parking Brakes (Inoperable Breakaway System)	2	\$50	\$150	\$250
	Parking Brake (Non-Manufactured Holes or Cracks in Spring Brake Housing)	2	\$50	\$150	\$250
	Cracked or Broken Brake Drum or Rotor	1	\$100	\$300	\$600
	Brake Hose	2	\$50	\$150	\$250
	Brake Tubing	2	\$50	\$150	\$250
	Low Pressure Warning Device	2	\$50	\$150	\$250
	Air Loss Rate	1	\$100	\$300	\$600
	Tractor-Protection Valve	1	\$100	\$300	\$600
	Air Reservoir Security	2	\$50	\$150	\$250
	Air Compressor Mounting Bolts	2	\$50	\$150	\$250
	Air Compressor Loose or Broken Pulley	1	\$100	\$300	\$600
	Air Compressor Broken Mounting	1	\$100	\$300	\$600
	Electric Brakes (including Breakaway Device)	1	\$100	\$300	\$600
	Hydraulic Brakes (No Pedal Reserve)	1	\$100	\$300	\$600
	Master Cylinder (Less than 1/4 Full)	3	\$30	\$90	\$150
	Power Assist Unit (Fails to Operate)	2	\$50	\$150	\$250
	Hydraulic Brake Hose Leaks (On Application)	2	\$50	\$150	\$250
	Breakaway Braking Device	1	\$100	\$300	\$600
	Hydraulic Lines or Hoses (Defective)	2	\$50	\$150	\$250
	Leaks (Visible on Application)	2	\$50	\$150	\$250
	Hydraulic System Failure Warning System	2	\$50	\$150	\$250





Northern Mariana Islands  
**R E T I R E M E N T F U N D**

P.O. Box 1247, Saipan, MP 96950  
Telephone: (670) 234-7228 / Fax: (670) 234-9624  
e-mail: nmi.retirement@saipan.com

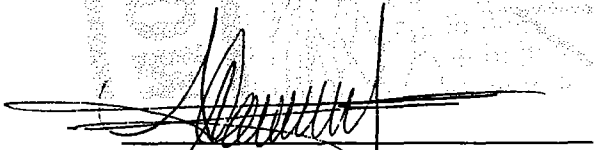
**PUBLIC NOTICE OF PROPOSED AMENDMENTS  
TO RULES AND REGULATIONS GOVERNING THE  
GROUP HEALTH AND LIFE INSURANCE PROGRAMS**

The Board of Trustees of the NMI Retirement Fund, hereby gives notice to the general public that it has adopted proposed amendments to the Rules and Regulations governing the Group Health and Life Insurance Programs in accordance with 1 CMC §9104(b), pursuant to its authority under Section 5 of Public Law 10-19 and the appropriate provisions of the Administrative Procedure Act at 1 CMC 9101, et. seq.

The purpose of these amendments is to provide articulate policies for the administration of the Government Group Health and Life Insurance programs within the NMI Retirement Fund. The Board is soliciting comments and recommendations regarding these amendments, which must be received by the Fund within 30 days of first publication of this notice.

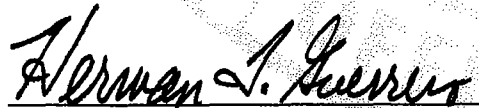
Copies of these proposed rules and regulations may be obtained at any of the NMI Retirement Fund offices on Saipan, Tinian and Rota.

Dated this 31<sup>st</sup> day of January, 1997.

  
Vicente C. Camacho  
Chairman  
Board of Trustees

  
Edward H. Manglona  
Administrator  
NMI Retirement Fund

RECEIVED BY:

  
HERMAN T. GUERRERO / Date  
Office of the Governor 2/5/97

FILED BY:

  
SOLEDAD B. SASAMOTO / Date  
Registrar of Corporations 2/5/97



*Northern Mariana Islands*  
**R E T I R E M E N T F U N D**

P.O. Box 1247, Saipan, MP 96950  
Telephone: (670) 234-7228 / Fax: (670) 234-9624  
e-mail: nmi.retirement@saipan.com

**NOTISIAN PUBLIKO POT I MAPROPOPONE NA  
AMENDASION I REGULASION YAN AREKLAMENTON I  
PROGRAMAN GROUP HEALTH AND LIFE INSURANCE**

I Board of Trustees i Northern Mariana Islands Retirement Fund, sigun gi 1 CMC §9104(b), yan gi atoridat i lai gi Seksiona 5 gi Acto 10-19, yan i Administrative Procedure Act gi papa i 1 CMC 9101, et. seq., mananae noticia gi publiko pot i mapropopone na amendasion i regulasion yan areklamenton i Programan Group Health and Life Insurance.

Copian este na amendasion guaha gi ofisinan i Retirement Fund nui gaige gi primet piso gi Nauru Building, Susupe, Saipan.

I Board of Trustees ha sosojo i publiko para ufan satmiti rekomendasion osino komentos pot este na amendasion gi halom 30 dias despues de mapublika gi Commonwealth Register. Pot fabot satmiti todo rekomendasion gi sigente na address:

NMI Retirement Fund  
P.O. Box 1247  
Saipan, MP 96950

Mafecha gi 31 dia de Ineru, 1997.

Vicente C. Camacho  
Chairman  
Board of Trustees

Edward H. Manglona  
Administrator  
NMI Retirement Fund

RECEIVED BY:

HERMAN T. GUERRERO / Date  
Office of the Governor 2/5/97

FILED BY:

SOLEDAD B. SASAMOTO / Date  
Registrar of Corporations

# **NORTHERN MARIANA ISLANDS RETIREMENT FUND**

## **Notice of Adoption of Proposed Rules and Regulations Governing the Group Health and Life Insurance Programs**

### **PART I. INTRODUCTION**

The Board of Trustees of the Northern Mariana Islands Retirement Fund (NMIRF) finds that the public interest and welfare requires the adoption of Rules and Regulations Governing the Group Health and Life Insurance Programs. Authorized by Public Law 10-19 to assume responsibility for administering the Group Health and Life Insurance Programs, the NMIRF finds that a smooth and effective transference of program and function requires immediate publication of formal written statements of administrative policy and procedure. These proposed regulations are promulgated to meet that need.

### **PART II. AUTHORITY**

By virtue of the authority provided under Section 5 of Public Law 10-19 and the appropriate provisions of the Administrative Procedure Act, the Board of Trustees of the Northern Mariana Islands Retirement Fund hereby adopts these proposed rules and regulations in accordance with 1 CMC §9104(b).

### **PART III. PURPOSE**

Public Law 10-19 transferred the administration of the Group Health and Life Insurance programs (hereinafter the GHLI) from the Department of Finance to the NMI Retirement Fund effective June 21, 1996. It is therefore the purpose of these proposed rules and regulations to articulate policies for the administration of the Government Group Health and Life Insurance programs within the NMI Retirement Fund.

### **PART IV. DEFINITIONS**

- 4.01. "Act" means Public Law 10-19, which was enacted into law effective June 21, 1996, and all subsequent amendments.
- 4.02. "Administrator" means the Administrator of the NMI Retirement Fund or his/her designee.
- 4.03. "Allowable Expense" means any expense which the Administrator determines to be reasonable and appropriate for providing Covered Benefits and administering this Program in accordance with this Plan Document.

# NORTHERN MARIANA ISLANDS RETIREMENT FUND

## Notice of Adoption of Proposed Rules and Regulations Governing the Group Health and Life Insurance Programs

---

- 4.04.** "Application Form" means the form prescribed by the Administrator and required to be submitted to the Administrator by any person wishing to enroll himself/herself and/or his/her Dependents in this Program.
- 4.05.** "Board" means the Board of Trustees of the NMI Retirement Fund.
- 4.06.** "Child" means a Subscriber's
- a. natural born child;
  - b. legally adopted child;
  - c. stepchild living with the Subscriber in a normal parent/child relationship;
  - d. customarily adopted child, as commonly known in the traditional Chamorro or Carolinian culture, living with the Subscriber in a normal parent/child relationship; and
  - e. child under his/her legal guardianship.

Such Child must also be unmarried, under age 18, and primarily supported by the Subscriber.

The definition of "Child" includes a Child, through age 21, if such Child is:

- a. unmarried;
- b. enrolled as a full-time student in a school, college, or university; and
- c. primarily supported by the Subscriber.

The definition of "Child" includes a disabled Child, regardless of age, if such Child is:

- a. unmarried and physically and/or mentally incapable of earning a living; and
- b. has been continuously disabled and dependent on the Subscriber since the age of 18.

- 4.07.** "Claim Form" means the form prescribed by the Administrator and required to be submitted to the Fund for payment of Covered Benefits.
- 4.08.** "Contribution" means the share of the Premium required to be paid by the Government or the Subscriber.
- 4.09.** "Co-payment" means the minimum amount of money which must be paid by an Enrollee at the time of any office visit or at the time any prescription is filled or refilled.
- 4.10.** "Covered Benefits" means the health care Services covered under this Program.

# NORTHERN MARIANA ISLANDS RETIREMENT FUND

## Notice of Adoption of Proposed Rules and Regulations Governing the Group Health and Life Insurance Programs

- 4.11. "Dependent" means the Subscriber's Spouse or Child, except that in the case of a Survivor, "Dependent" means the deceased Subscriber's Child.
- 4.12. "Doctor" means a duly licensed doctor of medicine (M.D.), medical officer (M.O.), or doctor of osteopathy (D.O.). The term includes surgeons and other specialists, provided they meet this definition. A duly licensed dentist is also considered a Doctor for purposes of the dental work and oral surgery covered by this Program, and a duly licensed podiatrist (chiropracist) is considered a Doctor for purposes of the foot conditions covered by this Program. Types of practitioners not specifically mentioned in this paragraph are not considered Doctors for purposes of this Program.
- 4.13. "Emergency" means the sudden and unexpected onset of a severe medical condition which, if not treated immediately, would be, in the opinion of a Doctor, life-threatening or result in a permanent disability; e.g., a heart attack, severe hemorrhaging, poisoning, loss of consciousness or respiration, and convulsions are considered Emergencies.
- 4.14. "Employee" means a person who is employed by the Government, for salary or wages, and who is regularly scheduled to work 20 or more hours per week, or who is an elected or appointed Government official.
- 4.15. "Enrollee" means any Employee, Retiree, Survivor, or Dependent whose enrollment in this Program has been approved by the Administrator and for whom all Premium payments are current.
- 4.16. "Enrollment Change Form" means the form prescribed by the Administrator and required to be submitted to the Administrator by any person wishing to change his/her benefit or enrollment option or to add or delete coverage of Dependents.
- 4.17. "Experimental" means any Service considered experimental, and therefore not approved for payment, by U.S. Medicare.
- 4.18. "Fiscal Year" means any July 1 through June 30.
- 4.19. "Fund" means the NMI Retirement Fund.
- 4.20. "GHLI Trust Fund" means the CNMI Government Group Health and Life Insurance Trust account which is segregated from other funds and held in trust and administered by the Administrator under the fiduciary supervision of the Board.

# NORTHERN MARIANA ISLANDS RETIREMENT FUND

## Notice of Adoption of Proposed Rules and Regulations Governing the Group Health and Life Insurance Programs

- 4.21. "Government" means the CNMI Government, its departments, agencies, instrumentalities, public corporations, municipal governments, and other CNMI Government entities.
- 4.22. "Hospital" means any inpatient acute care institution which:
- a. is not, other than incidentally, a nursing home, rest home, or Skilled Nursing Facility; and
  - b. is primarily engaged in providing facilities for surgery and for medical diagnosis and treatment of injured or ill persons by or under the supervision of Doctors; and
  - c. has registered nurses always on duty; and
  - d. is certified or licensed as a hospital by the proper governmental authority; or
  - e. is a sanitarium for the treatment of tuberculosis which meets the requirements of a, b, c, and d above.
- 4.23. "Medically Necessary" means, with respect to each Service, that the Service meets all of the tests listed below. The fact that a Doctor prescribes, orders, recommends or approves a Service does not, of itself, make it Medically Necessary.
- a. Health-related      It is provided for the diagnosis or treatment of an injury or disease, including pregnancy, birth, and congenital defects.
  - b. Appropriate      It is appropriate for the symptoms, consistent with the diagnosis, in accordance with generally accepted medical practice and professionally recognized standards in the geographic location where Services are provided, and is expected to result in a meaningful and substantial improvement in the Enrollee's condition.
  - c. Adequate      It does not exceed the supply, level of Service or amount of Service needed to provide safe and appropriate care.
  - d. Not for Convenience      It is not mainly for the convenience or desire of the Enrollee, Enrollee's family, Enrollee's Provider, or other person or entity.
  - e. Not Experimental      It is not Experimental.
- 4.24. "Open Season" means that period of time, designated by the Administrator, during which Employees may apply for enrollment in this Program for themselves and their

# NORTHERN MARIANA ISLANDS RETIREMENT FUND

## Notice of Adoption of Proposed Rules and Regulations Governing the Group Health and Life Insurance Programs

Dependents and during which Subscribers may apply to change their benefit and enrollment options in this Program. Generally, an Open Season will be held in November each year.

- 4.25. "Plan Document" means this CNMI Group Health Insurance Program Plan Document as may be amended by the Board from time to time.
- 4.26. "Plan Year" means the twelve (12) month period which begins on January 1 and continues through the following December 31, except that the first Plan Year will be July 1, 1997 through December 31, 1997. For a new Enrollee, the Plan Year begins when such Enrollee's coverage begins and continues through the following December 31.
- 4.27. "Premium" means the total amount of Contributions required to be paid into the GHLI Trust Fund for participation in this Program.
- 4.28. "Prior Program" means any Government Employee group health insurance program effective prior to July 1, 1997.
- 4.29. "Program" means the CNMI Government Employee group health insurance program described in this Plan Document.
- 4.30. "Provider" means a Doctor, Hospital, Skilled Nursing Facility, or any other duly licensed person, institution or other entity qualified to provide Covered Benefits under this Program.
- 4.31. "Reasonable and Customary Charge" means the charge or portion of the charge made by a Provider for Covered Benefits which is determined by the Administrator to be appropriate when compared with charges ordinarily made for similar Services provided in the same or a similar circumstances. If the Provider's actual charge is less than the Reasonable and Customary Charge, the actual charge will be considered the Reasonable and Customary Charge. For prescription drugs, the average wholesale price plus 10% will be considered the Reasonable and Customary Charge.
- 4.32. "Retiree" means a former Employee who is receiving annuity payments through the NMI Retirement Fund.
- 4.33. "Services" means health care services, treatments, procedures, supplies, equipment, and products, and includes prescription drugs.

# NORTHERN MARIANA ISLANDS RETIREMENT FUND

## Notice of Adoption of Proposed Rules and Regulations Governing the Group Health and Life Insurance Programs

- 4.34. "Skilled Nursing Facility" means a licensed institution, other than a Hospital, which is not, other than incidentally, a custodial care Provider, and which, at a minimum, provides the following:
- a. inpatient medical care and treatment to convalescing patients;
  - b. full-time supervision by at least one doctor or licensed registered nurse;
  - c. 24-hour nursing care by licensed professional nurses; and
  - d. complete medical records for each Enrollee.
- 4.35. "Spouse" means an Employee's or Retiree's current
- a. legally married spouse; or
  - b. common-law spouse, provided such spouse was recognized as a common-law spouse of the Employee or Retiree in a jurisdiction of the couple's residence prior to immigration to the CNMI.
- 4.36. "Subscriber" means any Employee, Retiree or Survivor who is enrolled in this Program and in whose name the enrollment is registered.
- 4.37. "Survivor" means the Spouse of an Employee or Retiree who was an Enrollee at the time the Employee or Retiree died and who has not remarried.

### PART V. GHLI ORGANIZATIONAL STRUCTURE AND ADMINISTRATION

#### 5.01. Organization

The GHLI programs shall be organized as a component of the NMI Retirement Fund. The Administrator is responsible for the administration and management of the programs.

#### 5.02. Personnel

A. The Administrator may select a manager to be responsible for the daily functions of these programs, including but not limited to receiving and processing of claims, responding to customer inquiries, supervising all employees within the GHLI programs, and such other duties as are assigned by the Administrator.

B. The Administrator of the Fund may reassign, reallocate or otherwise reorganize the functions and activities of the GHLI component.



# NORTHERN MARIANA ISLANDS RETIREMENT FUND

## Notice of Adoption of Proposed Rules and Regulations Governing the Group Health and Life Insurance Programs

### 5.03. Assets

The assets belonging to the GHLI programs on the effective date of Public Law 10-19 shall be recorded as assets of the separate GHLIT fund allocable solely to the GHLI programs by the Fund. They shall be physically transferred to the offices of the GHLI programs.

### 5.04. Operations

A. The Administrator shall prepare an annual budget for the operation of the GHLI programs specifically to cover the estimated claims, premium payments, reasonable administrative cost, and other related expenses, for approval by the Board. The annual budget shall be based on the estimated total contributions for the CNMI Government fiscal year.

B. The annual operating budget shall be prepared, and approved by the Board, on or before the beginning of each fiscal year. The approved budget shall be transmitted to the Office of Management and Budget, Office of the Governor, for informational purposes only.

C. In the event of a shortfall occurring during any fiscal year, the Administrator shall prepare a revised budget to cover the shortfall, provided, however, that the total budget shall not exceed the estimated contributions to be received during that fiscal year.

## PART VI. GHLI TRUST FUND

### 6.01. GHLI Trust Fund Established

In accordance with Section 5 of Public Law 10-19, a Group Health and Life Insurance Trust Fund (GHLIT) is established for the purpose of holding employer and employee contributions and any investment earnings thereon. The GHLIT is to be expended only for the payment of health insurance, life insurance, and other GHLI benefit claims, premiums, reasonable costs of administration, and related expenses.

A. The Fund shall open a trust account in the name of the Northern Mariana Islands government GHLIT at any recognized financial institution whose deposits are insured by an agency of the federal government. The trust fund account name shall be known and cited as the GHLI Trust Fund.

B. The Administrator of the Fund, or his designee, shall have sole and exclusive expenditure authority over the GHLIT fund.

# NORTHERN MARIANA ISLANDS RETIREMENT FUND

## Notice of Adoption of Proposed Rules and Regulations Governing the Group Health and Life Insurance Programs

### 6.02. Contributions

Contributions to the GHLI Trust Fund shall be made as follows:

A. Employees in the GHLI programs, whether for health insurance coverage only or life insurance coverage only or both, shall make contributions to the GHLIT based on rates as determined by the Board of Trustees. The rates in effect for group health and group life insurance at the time of the transfer shall continue to be in effect until a change is made by the Board. All employee contributions shall be made through deductions from employees' payroll or pension benefits payments. The Secretary of Finance or the head of each autonomous agency shall cause such contributions to be deposited directly into the GHLI Trust Fund.

B. Employers shall make their corresponding required health and/or life insurance contributions to the GHLIT each pay period based on rates as determined by the Board of Trustees. The rates in effect for group health and group life insurance at the time of the transfer shall continue to be in effect until a change is made by the Board. The Secretary of Finance or the head of each autonomous agency shall cause such contributions to be deposited directly into the GHLI Trust Fund.

C. The Board shall review at least annually, and revise, as deemed necessary, the rates set for GHLI program contributions required of employees and GHLI program contributions required of employers.

### 6.03. Remittance

A. Within five (5) working days of the close of each pay period, each employer shall remit its total premiums, including contributions deducted from employees' paychecks, for GHLI coverage to the GHLI Trust Fund. Payments shall be made to the GHLI Trust Fund, and sent to the NMI Retirement Fund. If the total premiums are not received by the Fund by the tenth (10th) working day following each pay period, interest will be charged on the amount due at the rate determined by the Board, but not in excess of the highest rate authorized by law.

B. Employers must submit a list of all their employees for whom a remittance is being made with each remittance to the Trust Fund. This list shall constitute definitive identification of all those individuals committed to making a contribution to either the group health insurance or group life insurance program, or both.

# NORTHERN MARIANA ISLANDS RETIREMENT FUND

## Notice of Adoption of Proposed Rules and Regulations Governing the Group Health and Life Insurance Programs

1. It is the responsibility of each employer to make certain that such contributions to the GHLI programs of each of its employees are fully paid each payroll period.

2. It shall, however, be the responsibility of each employee to make certain that his or her contribution to the GHLIT continues to be fully paid during periods when employee receives no paycheck, such as during a period of leave without pay.

C. The Fund shall issue proof of payment to each such employer.

### 6.04. Deposits, Disbursement, and Investment

A. The Administrator shall establish an accounting system for the GHLI Trust Fund. Such a system shall be in accordance with generally accepted governmental accounting standards. The Administrator shall issue accounting reports to the Board of Trustees as required, but at least semi-annually.

B. The Administrator shall promptly disburse funds from the GHLI Trust Fund for the purpose of paying GHLI Trust Fund liabilities, including but not limited to the payment of health insurance, life insurance, and other GHLI benefit claims, premiums, reasonable costs of administration, and related expenses.

C. The Board may invest assets of the trust account, to the extent not required to be available to defray current expenses, in interest bearing accounts in FDIC insured local banks that offer competitive rates.

D. When the GHLIT reaches three (\$3) million dollars in excess of the amount estimated to cover obligations for one (1) full year, the Board may invest such excess funds in other appropriate investments programs.

## PART VII. GROUP LIFE INSURANCE PROGRAM DESCRIPTION

### 7.01. Purpose

A. It is the purpose of this program to provide voluntary life insurance, to be known as the Group Life Insurance Program (GLIP), for CNMI government employees and retirees.

# NORTHERN MARIANA ISLANDS RETIREMENT FUND

## Notice of Adoption of Proposed Rules and Regulations Governing the Group Health and Life Insurance Programs

B. The GLIP shall be administered by the NMI Retirement Fund pursuant to Public Law 10-19, which may contract out to private insurance carriers licensed to issue group-term life insurance within the CNMI. This program shall be implemented in the best interest of the Government and the program participants.

### 7.02. Eligibility

Only active and retired government employees who elect to enroll during the period permitted in these regulations are eligible for coverage under this program. Specifically, the following are eligible for coverage:

1. Employees who work at least 20 hours per week;
2. Employees who retire as a result of length of service, disability or age. Surviving family members or dependents of deceased employees are not entitled to life insurance coverage.

### 7.03. Contributions and Benefits

The contributions by both the employee and the government under the GLIP shall be governed by the agreement between the Board of Trustees and the private carrier.

### 7.04. Contract with Private Carrier

- A. Life insurance coverage shall be underwritten by a private carrier selected by the Board. The carrier must demonstrate its ability to provide life insurance prior to selection.
- B. A carrier shall be selected in accordance with established procurement policy of the Commonwealth government. This applies to any renewals of existing coverage.
- C. The Board, through its Administrator, shall have the authority to negotiate favorable rates for the employees, retirees, and the government.
- D. The Board may enter into a contract of up to and including a term of five (5) years with a private carrier.

## PART VIII. GROUP HEALTH INSURANCE PROGRAM DESCRIPTION

### 8.01. Purpose

# NORTHERN MARIANA ISLANDS RETIREMENT FUND

## Notice of Adoption of Proposed Rules and Regulations Governing the Group Health and Life Insurance Programs

A. It is the purpose of this program to provide voluntary health insurance, to be known as the Group Health Insurance Program (GHIP), for CNMI government employees and retirees.

B. The GHIP shall be administered by the NMI Retirement Fund pursuant to Public Law 10-19.

### 8.02. Eligibility

Only active and retired government employees and their dependents as defined in the plan who elect to enroll during the period permitted in these regulations are eligible for coverage under this program.

### 8.03. Contributions and Benefits

A. The contributions by both the employee and the government under the GHIP shall be determined by the Board of Trustees.

B. Benefits under the group health insurance program shall be as determined by the Board and set forth in a written health plan.

C. The Board, through its Administrator, shall have the authority to negotiate favorable rates for employees, retirees, and the government.

D. The benefits of the plan currently in effect are those spelled out in the booklet "Group Health Insurance Program" issued by the Department of Finance, as revised January 25, 1995.

## PART IX. AMENDMENTS AND EFFECTIVE DATE

### 9.01. Amendments

These regulations may be amended by the Board of Trustees from time to time.

### 9.02. Effective Date

The effective date of these regulations shall be in accordance with the Administrative Procedure Act at 1 CMC §9104(b).

**NOTICE OF PROPOSED AMENDMENTS TO THE  
PERSONNEL SERVICE SYSTEM RULES AND REGULATIONS**

The Civil Service Commission hereby notifies the general public that it proposes to amend its Personnel Service System Rules and Regulation by adding a new Part XII concerning drug and alcohol use by employees. A copy of the new Part XII is included in this volume of the Commonwealth Register. Upon final adoption of the new Part XII, the Commission will also repeal those portions of Parts V.B and V.C14 of the Personnel Service System Rules and Regulations that concern alcoholism, drug dependency, and the habitual use of intoxicants.

**AUTHORITY:** 1 CMC §8117

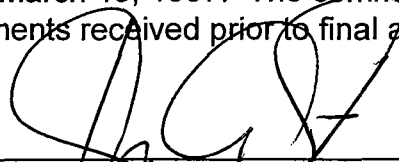
**SUBJECT:** The proposed amendments will establish a consistent policy concerning use, possession, sale, attempts to sell, and being under the influence of drugs or alcohol by civil service employees while on duty, on government property, or while using government vehicles. The amendment also describes conditions under which a civil service employee will be required to submit to drug or alcohol testing, the procedures for testing for drugs or alcohol, and the consequences of violation of the regulations.

**PUBLIC COMMENTS:** The public is encouraged to comment on the proposed amendment. Comments on the proposed amendment must be submitted in writing and sent, delivered or faxed to the Chairman, Civil Service Commission, at

P.O. Box 5150 CHRB  
Capitol Hill, Building No. 1211  
Saipan, MP 96950  
Fax: (670) 322-3327


Comments will be accepted through at least March 15, 1997. The comment period may be extended with or without notice. All comments received prior to final adoption will be considered by the Commission.

Date: February 10<sup>th</sup>, 1997

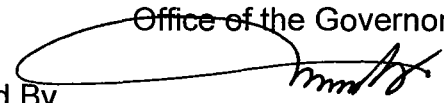


\_\_\_\_\_  
EUGENE A. SANTOS  
Chairman, Civil Service Commission

Date: February 11, 1997

Received By   
HERMAN T. GUERRERO  
Office of the Governor

Date: February 11, 1997

Filed By   
\_\_\_\_\_  
SOLEDAD B. SASAMOTO  
Registrar of Corporations

**NUTISIA PUT I MAPROPOPONI MA AMENDASION GI  
AREKLAMENTO YAN REGULASION SISTEMAN SETBISIUN PETSONAT**

I Kumision Setbisiun Sibit ginen este ha infotoma I pupbliku hinerat na ha propoponi para umamenda iyo-na Areklamento yan Regulasion Sistemana Setbisiun Petsonat entre inaomentan I nuebo na Patte XII put ma'usan drugs yan atkahot ni emplehao siha. I kopian I nuebo na Patte XII ma engklusu gi halom este baluman Rehistran Commonwealth. Gi despues di I uttimu na inadaaptan I nuebo na Patte XXII, I Kumision siempre lokkue u diroga ayu siha na patte gi Patte V.B yan V.C.14 gi halom Areklamento yan Regulasion Sistemana Setbisiun Petsonat put atkahot, dinipendenten amot yan bision inausan I manana'bulacho siha.

**ATURIDAT:** 1 CMC § 8117

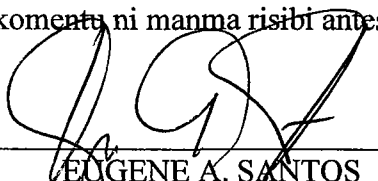
**SOHETU:** I Mapropoponi na amendasion siempre u establesi fitme na areklamento put ma usa guinaha ma bende, map ke bende, yan gaige gi papa inafektan amot siha pat atkahot I emplehao setbisiun sibit gi duranten cho'cho, gi propiendat gubetno pat mentras ma u usa karetan gubetno siha. I amendasion ha describe lokkue' i kondesion siha ni para u ma manda I emplehao Setbisiun Sibit na u konsente na u maa eksamina put uson amot pat atkahot, I areklo para ma eksaminan uson amot pat atkahot, yan I konresutton kontradiksion I regulasion siha.

**KOMENTON PUPBLIKU:** Ma sosoyu I Pupbliku pare u fanmamatinas komento siha put I manmapropoponi na amendasion. Todu komento put I mapropoponi na amendasion debi di u fanma satmiti gi tinige ya u mana'fanhanao, entrega osino fax guato gi Chairman Kumision Setbisiun Sibit gi sigente na adres


P.O. Box 5150, CHRB  
Capitol Hill, Building No. 1211  
Saipan, MP 96950  
Fax (670) 322-3327

I komentu siha u fanma aksepta asta Matso 15, 1997. I teminun muna halom komentu sina ha ma ekstende ginen pat sin nutisia. Todu komento ni manma risibi antes di uttimu na adaptasion u fanmakonsidera ni Kumision.


Fecha Febreru 10<sup>th</sup>, 1997

  
EUGENE A. SANTOS  
Chairman, Kumision Setbisiun Sibit

Fecha Febreru 11, 1997

Renisibi as   
HERMAN T. GUERRERO  
Ofisinan Gubetno

Fecha Febreru 11, 1997

Ma file as   
SOLEDAD B. SASAMOTO  
Rehistradoran Kotporasion

ARONGORONGOL TOULAP

ARONGORONG REEL POMOL LLIWEL LLOL AUTO  
MWOGHUTUGHUTULALILLISIIR SCHOOL ANGAANG

I Civil Service Commission sangi milleel ekke arongaar toulap bwe a pmoli lliiwel llool autol mwoghutul alillisiir school angaang reel igha ebwal aschuulong Peigh XII bweigha reel mille drug me aschi ikka re yeyyaali reer school angaang. Kopyaal Peigh XII ebwal fitilong lloi volume ye elo Commonwealth Register. Reel alleghulool adoption-nul mille Peigh XII Commission ebwe bwal atee sefaal peighil Peigh V.B me V.C14 mellol autol Alleghul Mwoghutul Alillisiir School Angaang bwelle reel aschi, drug dependency, me sow yeyyaayaal intoxicants.

**BWANGIL: 1 CMC §8117**

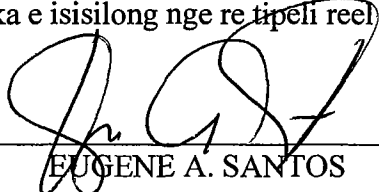
**TAPALAI:** Reel pomol lliiwel kkaal ebwe ayoora allegh reel mille yaayaal, bweibwoghul ameeelo, pomol ebwe akkameelo, me igha yeel school angaang llool Civil Service nge wa yaali drugs ngare aschi llool otol angaang llool bwuley kka yaal gobenno, ngare llool ghareetaal gobenno. Reel liiwel kkaal ebwal aiti reel feffeer iye school angaang llool Civil Service rebwe fil bwe rebwe bwughi sossotol drug me aschi, reel mwoghutul sossotol drugs me aschi aschi, me meeta kka e fil ngali iyo ye ese atabweey allegh kkaal.

**AIYEGHUR TOUIAP:** Rekke tingor ngaliur toulap bwe rebwe isisilong jaar aiyegh mangemang reel pomol lliiwel kkaal. Aiyegh reel lliiwel kkaal nge ebwe isisilong me afengaali Chairman Civil Service Commission reel

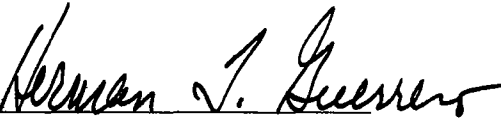
P.O. Box 5150, CHRB  
Capitol Hill, Building No. 1211  
Saipan, MP 96950  
Fax (670) 322-3327

Aighuughul ischilongol aiyegh ngare mangemang nge ebwe wool Mailap March 15, 1997. Emmwal bwe ebwe extended ischilongol mangemang ngare aiyegh nge essobw arongowow Alongal maangemang ngare aiyegh ikka e isisilong nge re tipeli reel Commission.

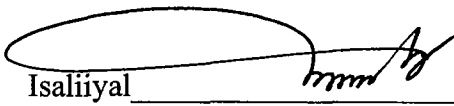
Ral: 2/10/97

  
EUGENE A. SANTOS  
Chairman, Civil Service Commission

Ral: 2/11/97

Isaliiyal   
HERMAN T. GUERRERO  
Bwulasiyool Gubenno

Ral: 2/11/97

Isaliiyal   
SOLEDAD B. SASAMOTO  
Registrar of Corporations



PROPOSED AMENDMENT TO  
PERSONNEL SERVICE SYSTEM REGULATIONS

**PART XII  
FIT FOR WORK REGULATIONS**

**XII.A POLICY**

The CNMI encourages employees who have personal problems to utilize all available resources, including resources of the CNMI, before those problems affect their job performance. Employees who voluntarily seek assistance in dealing with emotional distress, personal health problems, or problems relating to alcohol or drug use before there is a performance issue shall be provided the same leave benefits as with any other health-related issue. Employees, however, shall still be held accountable for acceptable job performance regardless of participation in or requests for referral. In no case will disciplinary amnesty be granted to employees asking for assistance and referral.

**XII.B DEFINITIONS**

The following definitions apply throughout Part XII:

**XII.B1        Accident/Incident**

"Accident/incident" means (1) an injury to a person requiring outside medical attention or a fatality or (2) physical damage or an estimated economic loss greater than \$2,500.00 as determined by the best information available at the time of the accident/incident.

**XII.B2        Alcohol**

"Alcohol" means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl or isopropyl alcohol.

**XII.B3        Alcohol Use**

"Alcohol use" means the consumption of any beverage, mixture, or preparation (including any medication) containing alcohol.

**XII.B4        Breath Alcohol Concentration (BAC)**

"Breath alcohol concentration (BAC)" means 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 test.

**XII.B5          Breath Alcohol Technician (BAT)**

"Breath alcohol technician (BAT)" means an individual who instructs and assists individuals in the alcohol testing process and operates an EBT.

**XII.B6          Canceled Test (Drug)**

"Canceled test (drug)" means a test that has been declared invalid by an MRO. It is neither a positive nor a negative test. This term includes a specimen that is rejected for testing by a laboratory.

**XII.B7          CNMI**

"CNMI" means the government of the Commonwealth of the Northern Mariana Islands.

**XII.B8          Confirmation (or Confirmatory) Test (Alcohol)**

"Confirmation (or confirmatory) test (alcohol)" means a second test, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration.

**XII.B9          Confirmation (or Confirmatory) Test (Controlled Substances)**

"Confirmation (or confirmatory) test (controlled substances)" means a second analytical procedure to identify the presence of a specific drug or metabolite that is independent of the screening test and that uses a different technique and chemical principle than the screening test to ensure reliability and accuracy. (Gas chromatography/mass spectrometry (GC/MS) is the only authorized confirmation method for cocaine, marijuana, opiates, amphetamines, and phencyclidine.)

**XII.B10        Consulting Physician**

"Consulting physician" means a licensed physician retained or employed by the CNMI to advise on drug testing and other industrial medicine issues.

**XII.B11        Evidential Breath Testing Device (EBT)**

"Evidential breath testing device (EBT)" means an EBT approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's Conforming Products List of Evidential Breath Measurement Devices (CPL), and identified on the CPL as conforming with the model specifications available from the NHTSA, Office of Alcohol and State Programs.

**XII.B12        Illegal Drugs**

"Illegal drugs" means (a) drugs that are not legally obtainable; (b) drugs that are legally obtainable but have not been obtained legally; (c) drugs that are legally obtained, but are

knowingly used for other than the prescribed purpose or in other than the prescribed manner; and (d) so-called "designer drugs" or drug substances not approved for medical or other use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration.

**XII.B13 Legally Obtainable Drugs**

"Legally obtainable drugs" means the following when used according to directions to alleviate a specific condition: (a) substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, or any supplement to any of them; (b) substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (c) substances (other than food, mineral, or vitamins) intended to affect the structure or any function of the body of man or animal; and (d) substances intended for use as a component of any article specified in clause (a), (b), or (c). It does not include devices or their components, parts, or accessories.

**XII.B14 Medical Review Officer (MRO)**

"Medical Review Officer (MRO)" means a licensed physician who is responsible for receiving laboratory drug testing results and who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate a confirmed positive test result together with an individual's medical history and any other relevant biomedical information.

**XII.B15 On Call/Standby Employee**

"On call/standby employee" means (for the purposes of Part XII only) an employee who is in a scheduled on call/standby status or whose availability to report to work restricts his or her movements or behavior while waiting to be called.

**XII.B16 Proof of Wellness**

"Proof of wellness" means a notice from a state or regionally certified or licensed drug/alcohol treatment specialist or a person meeting the U.S. DOT's definition of a substance abuse professional that states that the applicant/employee is no longer dependent on any drug/alcohol substance to the extent it can affect safe and productive work.

**XII.B17 Refusing to be Tested, Refused to be Tested, or Refusal to Submit**

"Refusing to be tested," "refused to be tested," or "refusal to submit" means:

- (1) A verbal or written refusal after being given a clear and specific order to submit to urine and/or breath testing;

(2) Failure to timely provide a urine specimen or failure to timely provide adequate breath for testing without a valid medical explanation after receiving notice of the requirement to be tested; or

(3) Engaging in conduct that clearly obstructs the collection process.

**XII.B18 Responsible Person**

"Responsible person" means the individual designated by the head of each department, organization, or entity to answer questions about Part XII.

**XII.B19 Safety-Sensitive Function**

"Safety-sensitive function" means performing work involving the operation of motor vehicles or dangerous or heavy machinery or performing tasks directly affecting the safety of others. Each department, entity, or organization head, in conjunction with the Director of Personnel or his designated representative, shall designate by job category or otherwise all positions that have safety-sensitive functions.

**XII.B20 SAMHSA**

"SAMHSA" means the Substance Abuse and Mental Health Services Administration, U.S. Department of Health and Human Services.

**XII.B21 Screening Test (or Initial Test)**

"Screening test (or initial test)" means, in alcohol testing, an analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in his or her system. In controlled substance testing, it means an immunoassay screen to eliminate "negative" urine specimens from further consideration.

**XII.B22 Substance Abuse Professional (SAP)**

"Substance abuse professional (SAP)" means a licensed physician (Medical Doctor or Doctor of Osteopathy), licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission and/or regional certification), with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

**XII.B23 Test(s) Positive or Positive Test Result**

"Test(s) positive" or "positive test result" mean the confirmation test shows positive evidence of the presence of an illegal drug in the individual's system.

## **XII.B24 Under the Influence**

"Under the influence" means that alcohol and illegal drugs, or both, are present in the body and confirmed by breath alcohol testing (a confirmed positive) or urine drug testing (a confirmed positive by the MRO).

## **XII.C APPLICATION**

This Part applies to all current and future employees in the Executive Branch of the Commonwealth Government with the same exceptions set forth in Part I.3 of these Regulations.

## **XII.D PROHIBITED CONDUCT**

### **XII.D1 Sale, Transfer, or Possession with Intent to Deliver**

It is a violation of this Part for any employee to sell or attempt to sell, purchase or transfer, or possess with the intent to deliver any illegal drug (a) on CNMI property, (b) in any CNMI vehicle or equipment, or (c) while on CNMI business. An adverse action for removal shall be initiated immediately for any employee violating this section. Law enforcement authorities shall also be notified. Until the employee is removed or the adverse action is terminated, the employee shall not be allowed to perform or continue to perform a safety-sensitive function. To comply with the Drug Free Workplace Act of 1988, the Personnel Director will notify the Federal Contract Agency within 10 days of the conviction of any employee for selling, manufacturing, or dispensing a controlled substance on CNMI business property or CNMI business time. Employees must notify the Personnel Director within 5 days of such a conviction.

### **XII.D2 Possession**

- A. Possession of Illegal Drugs**--Any employee found in possession of any illegal drug in any CNMI vehicle or equipment or while on CNMI business shall be subject to disciplinary action, including removal. Law enforcement authorities shall be notified. Until resolution of the disciplinary action, the employee shall not be allowed to perform or continue to perform a safety-sensitive function.
- B. Possession of Open Containers**--Any employee in possession of an open container containing an alcoholic beverage in any CNMI vehicle or equipment shall be subject to disciplinary action, including removal. Until resolution of the disciplinary action, the employee shall not be allowed to perform or continue to perform a safety-sensitive function.

### **XII.D3 Use or Under the Influence**

- A. Non-Safety-Sensitive Functions**--If the employee performs a non-safety-sensitive function and tests positive (confirmed drug positive by the MRO or a

breath alcohol concentration of 0.02 or greater), the employee shall be subject to disciplinary action, up to and including removal. An employee who performs a non-safety-sensitive function and who tests positive for alcohol or illegal drugs on a first occasion may not be removed solely for testing positive but may be subject to disciplinary action and shall be referred for assessment and treatment as a condition of continued employment. Such an employee, however, may be removed for testing positive on a first occasion as provided in Parts XII.D3.C and XII.D3.D.

**B. Safety-Sensitive Functions--** If the employee performs a safety-sensitive function and tests positive (confirmed drug positive by the MRO or a breath alcohol concentration of 0.02 or greater), an adverse action for removal shall be initiated. Until the employee is removed or the adverse action is terminated, the employee shall not be allowed to continue to perform a safety-sensitive function.

**C. Operation of Motor Vehicles--** If the employee is operating (or reporting to work with the intention of operating) a CNMI Government motor vehicle and tests positive (confirmed drug positive by the MRO or a breath alcohol concentration of 0.02 or greater), an adverse action for removal shall be initiated. Until the employee is removed or the adverse action is terminated, the employee shall not be allowed to perform or continue to perform a safety-sensitive function.

**D. Injury to Another Person--** If the employee injures another person and tests positive (confirmed drug positive by the MRO or a breath alcohol concentration of 0.02 or greater), an adverse action for removal shall be initiated. Pursuant to Part IIID.2.M(5), this shall be considered an emergency and the employee shall be suspended during the advance notice period and placed on Leave Without Pay (LWOP) or, with the employee's consent, carried on annual leave.

**E. Minimum Action--** Any employee found to be under the influence while at work, at a minimum, will receive a formal letter of reprimand and will be counseled regarding the necessity to seek assessment and, if necessary, treatment. The employee must be informed that they may be subject to removal for their failing performance and/or violation of Part XII if the employee fails to obtain and/or fails to follow through on recommended treatment steps. The employee shall be reminded that the Director of OPM can assist the employee in obtaining professional assistance.

#### **XII.D4 Pre-Duty Use of Alcohol by Safety-Sensitive Employees**

**A. General--** No safety-sensitive employee who has consumed alcohol within four hours of reporting to work may report to work. No safety-sensitive employee may report to work with any detectable level of alcohol in his or her system.

**B. On-call/standby employees**--No safety-sensitive employee who is on a scheduled and compensated stand-by status may consume alcohol during stand-by status. Safety-sensitive employees in stand-by status shall inform their supervisors of any inability to perform safety-sensitive functions before commencing work.

(1) Any safety-sensitive employee who, before reporting to work, acknowledges using alcohol during on-call status may be subject to disciplinary action and shall be referred to an SAP for assessment.

(2) Any safety-sensitive employee who reports to work after consuming alcohol during on-call status and who fails to notify his or her supervisor shall be regarded as being under the influence. The employee shall be tested and subject to disciplinary action for failure to report and other discipline according to Part XII.D3.

**XII.D5 Refusal to Submit to a Drug/Alcohol Test**

**A.** Any employee refusing to comply with a request for any drug/alcohol test required by Part XII shall be regarded as insubordinate and an adverse action for removal shall be initiated. Until the employee is removed or the adverse action is terminated, the employee shall not be allowed to perform or continue to perform a safety-sensitive function.

**B.** Any employee leaving the scene of an accident/incident before a testing decision is made shall be deemed to have refused to be tested. In addition, any employee who is subject to post-accident/incident testing who fails to remain readily available for testing, including notifying his or her supervisor of his or her location if he or she leaves the scene of the accident/incident prior to submission to testing, shall be deemed to have refused to be tested. Leaving the scene of the accident/incident to obtain necessary medical care or obtain assistance in responding to the accident/incident may not be regarded as refusal as long as the employee timely notifies his or her supervisor of the employee's location.

**C.** Any employee consuming alcohol or illegal drugs after an accident/incident and before a testing decision is made shall be deemed to have refused to be tested.

**XII.D6 Providing False Information and/or Attempting to Contaminate or Alter a Urine Specimen**

An adverse action for removal shall be initiated for any employee providing false information about a urine specimen and/or attempting to contaminate a urine specimen. Until the employee is removed or the adverse action is terminated, the employee shall not be allowed to perform or continue to perform a safety-sensitive function.

**XII.D7 Refusal or Failure to Comply with Treatment Recommendations**

Any employee refusing or failing to comply with treatment and after-care recommendations shall not be permitted to return to work until permitted by an SAP. Refusal or failure to comply with treatment recommendations shall result in disciplinary action, including removal.

**XII.D8 Testing Positive for Drugs or Alcohol on a Second or Subsequent Occasion**

If an employee is hired or re-hired after an initial positive test and then tests positive for an illegal drug or alcohol on a later occasion within five years of a prior positive drug/alcohol test, an adverse action for removal shall be initiated. Until the employee is removed or the adverse action is terminated, the employee shall not be allowed to perform or continue to perform a safety-sensitive function.

**XII.D9 Failure to Notify CNMI of Criminal Drug Conviction**

All employees are required to notify the CNMI of any criminal drug statute conviction, no later than five days after conviction, for a violation occurring in the workplace. An adverse action for removal shall be initiated for any employee who fails to do so within five days of conviction. Until the employee is removed or the adverse action is terminated, the employee shall not be allowed to perform or continue to perform a safety-sensitive function.

**XII.E USE OF LEGALLY OBTAINED DRUGS**

**XII.E1 Preclusion from Work**

No employee adversely affected by use of any legally obtained drug (prescription or nonprescription) shall perform a safety-sensitive function in that condition.

**XII.E2 Notification Required**

Before starting work, each employee who performs any safety-sensitive function must report to his or her supervisor/manager the use of any prescription or nonprescription drug that contains a cautionary label regarding the operation of equipment or vehicles. Before performing safety-sensitive functions, any employee taking medication with a cautionary labels may be required to provide proper medical authorization from a physician to work. Any employee failing to notify his or her supervisor/manager of the use of any prescription or nonprescription drug containing a cautionary label prior to performing any safety-sensitive function shall be subject to disciplinary action, including removal.



## **XII.F POLICY COMMUNICATION**

### **XII.F1 Current Employees**

All current employees will receive a copy of Part XII of these Regulations at least thirty days before the implementation date and shall acknowledge that they have received a copy of and read Part XII by signing a form to be kept in their Official Personnel Folder. In addition, this part will be posted in all work places where employees are covered by these Regulations for at least sixty days following implementation.

### **XII.F2 New Employees**

All new employees hired after the effective date of these Regulations will be given a copy of Part XII by the Office of Personnel Management as part of their joining procedure. All new employees shall acknowledge that they have read this part by signing a form to be kept in their Official Personnel Folders.

## **XII.G INFORMATION, ORIENTATION, AND TRAINING**

### **XII.G1 Employees**

All current and new employees will 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 abuse; and the resources available to the employee in evaluating and resolving problems associated with the misuse of alcohol and use of controlled substances.

### **XII.G2 Supervisor/Managers**

All supervisor/managers who may make reasonable suspicion determinations shall receive training on the physical, behavioral, and performance indicators of probable drug abuse and alcohol misuse before they may participate in post-accident/incident or reasonable suspicion decisions.

## **XII.H ROLE OF THE MEDICAL REVIEW OFFICER (MRO) AND CONSULTING PHYSICIAN**

### **XII.H1 Duties**

- A. Recipient of Drug Testing Results**--The MRO will be the sole recipient of drug testing results from the laboratory.
- B. Verification of Positives Results**--Before reporting a positive result, the MRO shall do the following to determine if there is an alternative medical explanation for the result:

- (1) Review the individual's medical history, including any medical records and biomedical information provided, and discuss the test results with the applicant/employee when requested to do so by the applicant/employee.
- (2) Determine whether there is a legitimate medical explanation for the result, including legally prescribed medication.
- (3) Request, as needed, pertinent analytical records or require re-analysis of any specimen to verify results.
- (4) Determine, when necessary, that there is clinical evidence, in addition to the urine test, of unauthorized use of any opium, opiate, or opium derivative if the laboratory does not confirm the presence of 6-monoacetylmorphine.

**C. Fit for Work Consultation**--The MRO or local consulting physician will, when requested, be available for consultation to determine the ability of an employee to report to work or continue work when under the influence of over-the-counter and/or prescription medication, and/or the ability to return to work following an accident/incident.

**D. Return to Work Consultation**--The MRO or local consulting physician will, when requested, review the records and examine, when appropriate, all employees returning to duty after a positive drug urine test or wanting to return to duty after having refused to be tested. The MRO will consult with the assessment and/or treatment SAP and CNMI staff when making the evaluation.

## **XII.H2 Release of Results**

Drug test results will be released only under the following circumstances:

**A.** The MRO will report all positive test results (after review) and all positive and negative SAMHSA test results to the CNMI individual designated to receive the results.

(1) If the MRO determines, after appropriate review, that there is a legitimate medical explanation for the confirmed positive test result other than the unauthorized use of a prohibited drug, the MRO is not required to take further action.

(2) Based on a review of laboratory inspection reports, quality assurance and quality control data, and other drug test results, the MRO may conclude that a particular drug test result is scientifically insufficient for further action. Under these circumstances, the MRO should conclude that the test is negative for the presence of a prohibited drug or drug

metabolite in an individual's system.

**B.** The MRO may release the results of a drug/alcohol test to the person who was tested. The MRO may release the results to a third party only when the person tested signs an authorization for the release to an identified person.

**C.** Statistical data related to testing and rehabilitation that is not name-specific will be provided on an established periodic basis to the CNMI individual designated to receive the results in accordance with this part.

### **XII.H.3 Reporting**

The MRO may only report results to the CNMI designated representative or designee.

### **XII.H.4 Relationships**

**A. Testing Laboratories**--The MRO shall be the primary contact for technical inquiries to the testing laboratory.

**B. Treatment and Rehabilitation Facilities**--The MRO shall have direct contact with substance abuse professionals regarding positive test results.

**C. Employee Assistance Counselors**--The MRO shall, if appropriate, confer with an SAP when evaluating a return to duty status.

### **XII.H.5 Reports**

The MRO will retain records for five years of reports of individuals who do not pass a drug/alcohol test. Reports of individuals who pass drug/alcohol tests will be retained for one year. Records related to the collection process will be retained for two years.

### **XII.H.6 Medical Evaluation for Shy Bladder and/or Shy Lung**

When requested, the MRO or local consulting physician shall take necessary steps to evaluate and determine if there was any reasonable medical justification for an employee's inability to provide a urine specimen (shy bladder) or an adequate breath specimen (shy lung).

## **XII.I REFERRAL FOR TESTING**

### **XII.I1 Pre-Employment/Post-Offer Testing**

All offers of CNMI employment for safety-sensitive positions covered by these Regulations are contingent upon the applicant successfully passing a urine drug test, and no applicant may be assigned to work until he or she has passed the test. Pre-employment/post-offer drug testing shall be limited to testing for cocaine, marijuana, opiates, amphetamines, and phencyclidine. Pre-employment/post-offer breath alcohol

testing is prohibited for applicants.

**A. Notification of Testing Requirement**--Applicants shall be notified of the requirement to pass a drug test at the time of application.

**B. Test Specimens**--All applicants being hired for safety-sensitive positions shall take a urine drug test for illegal drugs.

**C. Canceled Test**--When a pre-employment/post-offer drug test is determined to be a canceled test by the MRO, the applicant shall immediately submit another urine specimen for testing.

**D. Reapplication after a Positive Test**

(1) Applicants who test positive and cannot adequately explain the positive results will not be considered for employment until the next available position and must present proof of wellness.

(2) Any applicant for a safety-sensitive position who previously has been employed by the CNMI shall provide a written release of drug and alcohol testing history for the two years prior to the application date. No applicant who has previously tested positive for drugs or alcohol may be permitted to perform a safety-sensitive job until released for work by an SAP and a re-entry contract is executed.

## **XII.I2 Reasonable Suspicion Testing**

All employees shall be subject to drug/alcohol testing if there is reasonable suspicion to believe he or she may be under the influence of illegal drugs or alcohol. Reasonable suspicion drug testing shall be limited to testing for cocaine, marijuana, opiates, amphetamines, phencyclidine, benzodiazepines, methaqualone, meperidine (Demerol), and barbiturates.

**A. Reasonable Suspicion Defined**--Reasonable suspicion for drug/alcohol testing means specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the individual. A reasonable suspicion decision must be based on specific facts, circumstances, physical evidence, physical signs and symptoms, or a pattern of performance and/or behavior that would cause a trained supervisor to reasonably conclude that the individual may have engaged in on the job illegal drug or alcohol use or may be under the influence of alcohol or illegal drugs.

**B. Steps in Reasonable Suspicion Testing**

(1) **Objective Inquiry**--When reasonable suspicion exists, the affected individual will be questioned and observed. A decision to request a

specimen shall be based on eye witness reports, facts of the event, and observed physical and behavioral characteristics of the individual. The individual shall be interviewed in a private area.

(2) **Verification**--No individual shall be required to submit to a reasonable suspicion drug/alcohol test unless the need for the test is verified by a second CNMI employee who has received training in recognition of signs and symptoms of drug and alcohol abuse. The required verification shall be done in person.

(3) **Duty Pending Test Results**--Until the results of the drug/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 function.

(4) **Transportation Assistance**--The individual 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.

(5) **Report**--The events leading to a reasonable suspicion test will be reduced to writing and will be reviewed by the Personnel Officer or his designated agent. This report shall be considered confidential and will be maintained in a separate confidential file until utilized in disciplinary action, in which case it will be filed in the employee's Official Personnel Folder.

### **XII.B.3 Post-Accident/Incident Testing**

All employees shall be subject to drug/alcohol testing if an accident/incident occurs that meets the definitions of Part XII.B.1. Post-accident/incident drug testing shall be limited to testing for cocaine, marijuana, opiates, amphetamines, phencyclidine, benzodiazepines, methaqualone, meperidine (Demerol), and barbiturates. If an accident/incident causes severe life disabling injury or may cause substantial liability to CNMI, a blood sample may be drawn for future testing if breath alcohol testing is not readily available.

#### **A. Persons Subject to Post-Accident/Incident Testing.**

(1) The driver of any CNMI vehicle or operator of any CNMI equipment involved in an accident/incident shall be tested.

(2) Each employee whose action or inaction contributed to the accident/incident or whose action cannot be completely discounted as a contributing factor to the accident/incident (as determined by using the best information available at the time of the decision) shall be tested.

**B. Test Specimens**--Every effort shall be made to collect specimens as soon as practical following an accident/incident. However, nothing should prevent an injured person from receiving necessary medical treatment and/or being interviewed by investigating officers/personnel.

**C. Duty Pending Test Results**--Until the results of the drug/alcohol test are complete and verified, no employee tested shall be allowed to perform or continue to perform a safety-sensitive function; provided, however, that an employee may be allowed to perform or continue to perform a safety-sensitive function, pending the results, if the supervisor reasonably believes that the employee was not under the influence at the time of the accident/incident.

**D. Delayed Reporting of Accident/Incidents**--An employee who delays the reporting of an accident/incident, which could have resulted in a drug or alcohol test, beyond the scheduled work shift shall be regarded as refusing to be tested.

#### **XII.I4 Return to Duty Testing (Re-entry to Work) and Follow-up Testing**

**A. Return to Duty Testing Criteria**--An employee in a non-safety sensitive position, having previously tested positive for drugs or alcohol or having voluntarily acknowledged being under the influence of drugs or alcohol while on duty, other than as specified in Parts XII.D3.C or XII.D3.D, will be required to pass a drug/alcohol test before being returned to duty. These employees will not be allowed to return to work until they: (1) Test negative for cocaine, marijuana, opiates, amphetamines, phencyclidine, benzodiazepines, methaqualone, meperidine (Demerol), and barbiturates, and are evaluated and released for duty by the MRO (if the prior incident was drug related); or (2) Test at 0.00 breath alcohol concentration and are released by an SAP (if the prior incident was alcohol related).

**B. Follow-up testing**--An employee requiring return to duty drug/alcohol testing shall be subject to unannounced drug/alcohol tests for up to 60 months after returning to work. Return to duty drug tests shall be limited to testing for cocaine, marijuana, opiates, amphetamines, phencyclidine, benzodiazepines, methaqualone, meperidine (Demerol), and barbiturates. There may be no fewer than six tests in the first twelve months of follow-up testing. The specific number will be recommended by the SAP. The cost of return to duty testing and the six follow-up tests shall be paid by the employee.

**C. Canceled Test**--When a return to duty drug test is determined to be a canceled test by the MRO, the employee shall immediately submit another urine specimen for testing.

#### **XII.I5 Random Testing**

**A. Application**--All CNMI employees performing safety-sensitive functions

shall be subject to random unannounced drug and alcohol tests at the rate designated in PartXII.I5.B. Random drug testing shall be limited to testing for cocaine, marijuana, opiates, amphetamines, and phencyclidine.

**B. Method of Section and Selection Rate**--The selection of employees for random testing shall be made by a scientifically valid method, such as a random number table or a computer based random number generator that is matched with employees' Social Security number, payroll identification numbers, or other comparable identifying numbers. Under the selection process used, each covered employee shall have an equal chance of being tested each time selections are made. The selection rate for each calendar year will be no less than an annualized rate of 50% of the covered employees for urine drug testing and 25% for breath alcohol testing.

**C. Notification of Employee**--When notified of a random selection, employees shall immediately proceed to the collection site. All testing shall be performed on paid time. Failure of the employee to timely report to the collection site will be treated as a refusal to be tested.

## **XII.J SPECIMEN COLLECTION**

### **XII.J1 Specimen Collection Sites**

Urine and breath specimens shall only be collected at sites approved by the CNMI or a designated representative.

### **XII.J2 Specimen Collection Persons**

Only persons trained in the SAMHSA collection process are authorized to collect urine specimens, and only persons trained as Breath Alcohol Technicians in a DOT approved training program are authorized to collect breath specimens.

### **XII.J3 Specimen Collection Protocol**

Breath and urine specimens shall be collected in accordance with established collection protocols and shall adhere to the collection requirements specified in 49 CFR Part 40, "Procedures for Transportation Workplace Drug Testing Programs."

### **XII.J4 Split Urine Specimens**

All urine collections will be split into two specimens and shipped to the laboratory. If the drug test result of the primary urine specimen is confirmed positive, the employee may request that the MRO direct the split specimen to be tested in a different DHHS-certified laboratory for presence of the drug(s) for which a positive result was obtained in the test of the primary specimen. The request must be in writing to the MRO and must be made within 72 hours of the employee having been notified of the confirmed positive drug test

result. The cost of the second test shall be paid by the person requesting the test.

## **XII.K SUPERVISOR RESPONSIBILITIES**

### **XII.K1 Reasonable Suspicion and Post-Accident/Incident Testing**

Supervisors and managers shall base testing requests on objective observations and shall document all steps taken in requiring reasonable suspicion and post-accident/incident tests.

### **XII.K2 Confidentiality**

Supervisors and managers shall communicate information regarding a fit for work incident strictly on a need to know basis.

### **XII.K3 Accountability**

Any supervisor or manager who knowingly disregards the requirements of Part XII shall be regarded as neglecting his or her responsibilities and shall be subject to disciplinary action, including removal.

## **XII.L EMPLOYEE ASSISTANCE AND REHABILITATION**

### **XII.L1 Referrals**

CNMI employees shall be allowed the opportunity for rehabilitation under the following conditions:

- A. Voluntary self-referral prior to an accident/incident, reasonable suspicion test or request, or notification of random testing.
- B. Management intervention/referral prior to an accident/incident or reasonable suspicion request. Referrals made as a part of supervisory performance counseling or intervention shall be kept confidentially, and only necessary persons shall be made aware of these requests.
- C. An employee testing positive for the presence of alcohol or illegal drugs and who is not removed from employment as a result shall be referred to a substance abuse professional for assessment and will be required to fulfill specified steps of treatment before being considered ready for evaluation for return to duty to any position at CNMI.

### **XII.L2 Return to Duty Evaluation**

No employee shall return to work after a positive test for alcohol or drugs (confirmed positive by the MRO) until he or she has been evaluated and released for duty by an SAP.



### **XIII.L3 Confidentiality and Conduct**

A direct request by the employee for assistance may only be made a part of the employee's medical file and may not be included in the employee's Official Personnel Folder. Any related performance issues or disciplinary action, however, may be included in the employee's Official Personnel Folder.

### **XIII.L4 Freedom from Discrimination**

Employees may not have job security or promotional opportunities jeopardized solely because of a request for assistance.

### **XIII.L5 Notice of Treatment Resources**

Any employee testing positive for prohibited drugs and/or alcohol or found to be under the influence of alcohol shall be advised of resources available to evaluate and resolve problems associated with the misuse of alcohol and use of controlled substances, including the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs.

### **XIII.L6 Re-entry to Work After Mandatory Referral**

A. After a positive test result and mandatory referral, no employee may return to work until (1) the employee has been released for work by a designated CNMI representative and the MRO/consulting physician (for drug positives) or CNMI's substance abuse professional (for alcohol positives); and (2) the employee has tested negative on a return to duty drug/alcohol test.

B. In addition, no employee may return to work after a mandatory referral until the employee agrees to a re-entry contract, which shall include the following:

- (1) Evidence of a plan setting out aftercare and follow-up treatment procedures with an SAP for a minimum of twelve (12) months. Longer periods of follow-up may be specified by the SAP;
- (2) An agreement to unannounced drug/alcohol testing (for up to five years);
- (3) A statement of expected compliance with CNMI work rules, policies, and procedures; and
- (4) An agreement by the employee that violation of the agreement will be grounds for removal.

## **XII.M CONFIDENTIALITY, RECORD KEEPING, AND REPORTS**

### **XII.M1 Confidentiality**

**A. Test Results**--All test results shall be regarded as medical data and shall be stored in a location separate from the employee's Official Personnel Folder. The status of an employee's drug/alcohol test may only be communicated within the CNMI on a strict need-to-know basis. Test results may not be used in a criminal prosecution of the employee without the employee's consent.

**B. Employee Substance Abuse Professional Referrals**--Any knowledge of an employee's attendance at a substance abuse treatment program shall be treated the same as medical data and shall be filed in the employee's medical file. The status of an employee's substance abuse treatment shall also be communicated within CNMI on a strict need-to-know basis.

### **XII.M2 Record Keeping**

#### **A. Test/Collection and SAP Records**

(1) **Original Drug and Alcohol Test Results**--Original test results shall be maintained by the MRO and/or BAT.

(2) **CNMI Reports**--The CNMI shall also maintain records received from the MRO, BAT, and SAP regarding test results, which shall be stored in a secure location with controlled access.

(3) **All Other Records**--All records relating to the urine and alcohol collection process will be maintained by CNMI, the MRO, and the collection site (if other than the MRO and/or on-site collection or breath alcohol test).

**B. Record Retention Schedule**--Records relating to the administration of this policy including policy and program development, employee awareness and supervisory training, collection site training, and program administration; and records of positive drug and alcohol tests; refusals to take required drug/alcohol tests; calibration documentation; and referrals to the substance abuse professional shall be kept for five years. Records relating to the breath and urine collection process shall be kept for two years. Records of negative drug and alcohol test results shall be kept for one year.

## **XII.N BUSINESS USE OF ALCOHOL**

The consumption of alcohol should never be considered a business obligation.

### **XII.0 TRANSITION**

In the event any portion of this part is inconsistent with any other personnel regulations, this part shall control.

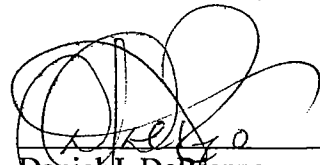


**Public Defender**  
Commonwealth of the Northern Mariana Islands

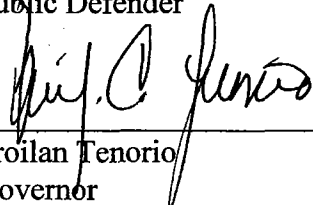
**NOTICE OF THE ADOPTED  
RULES AND REGULATIONS GOVERNING THE ADMINISTRATION OF  
PUBLIC DEFENDER ELEGIBILITY**

Having received no comments regarding the proposed regulations as published in Volume 18, Number 11, of the Commonwealth Register, dated November 15, 1996, the Office of the Public Defender hereby notifies the general public that it has adopted the rules and regulations governing the administration of Public Defender eligibility.

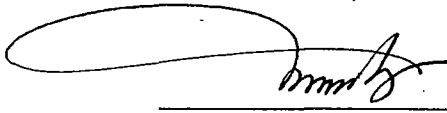
1.29.97  
Date

  
\_\_\_\_\_  
Daniel J. DeRenzo  
Public Defender

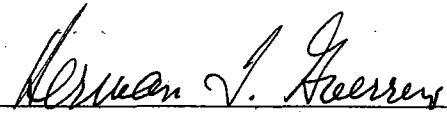
FEB 03 1997  
Date

  
\_\_\_\_\_  
Froilan Tenorio  
Governor

2/3/97  
Date

  
\_\_\_\_\_  
Soledad B. Sasamoto  
Filed by Registrar of Corporations

FEB 03 1997  
Date

  
\_\_\_\_\_  
HERMÁN T. GUERRERO  
Received by Office of the Governor

certification for compliance with Directive No. 183

  
\_\_\_\_\_  
Office of the Governor



**Public Defender**  
Commonwealth of the Northern Mariana Islands

**NUTISIA PUT I MA ADAPTAN  
AREKLAMENTO YAN REGULASION NI PARA U GOBIETNA I ADMINISTRASION  
PUT ELIHIPBLIDAT DIFENSOT PUPBLIKU**

Put taya komentu manmarisibi put i mapropoconi siha na regulasion ni manmapupblika gi Baluma 18, Numiru 11, gi halom Rehistran Commonwealth, ni ma fecha gi Nobembre 15, 1996, i Ofisinan Public Defender ginen este ha nutitisia i pupbliku na esta ha adapta i areklamento yan regulasion ni para u gobietna i administrasion put elihiplidat Difensot Pupbliku

1.29.97

Fecha

FEB 03 1997

Fecha

2/3/97

Fecha

FEB 03 1997

Fecha

Daniel J. DeRienzo  
Public Defender

Froilan C. Tenorio  
Gubetno

Soledad B. Sasamoto  
Ha file i Rehistradoran Kotporasion

HERMAN T. GUERRERO  
Ha risibi gi Ofisinan Gubetno

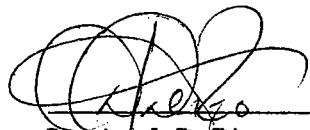


**Public Defender**  
Commonwealth of the Northern Mariana Islands

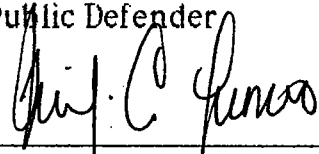
ARONGORONGOL TOWLAP REEL ADAPTAAL  
ALLEGH KKA EBWE LEMELI MWOGHUTUGHUTUL  
PUBLIC DEFENDER REEL BWANGIL (ELIGIBILITY)

Igha esóor tiip me mangingáng kka e atotoolong reel pomol fféerúl allégh kkewe aa takkal toowow llól Volume 18, Numuro 11, mellól Commonwealth Register, wóol Sarobwel(November) 15, 1996, nge Bwulasiyool Public Defender sáangi milleel nge ekke arongaar towap igha aa adaptáaliiló allégh ye ebwe lemeli mwóghútughútul Public Defender reel bwángil.(Eligibility).

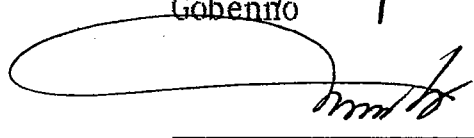
1-29-97  
Rál

  
Daniel J. DeRienzo  
Public Defender

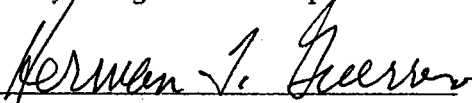
FEB 03 1997  
Rál

  
Froilan C. Tendrio  
Gobenno

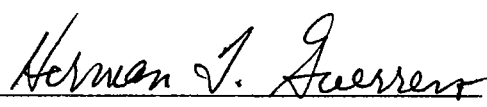
2/3/97  
Rál

  
Soledad B. Sasamoto  
Isáliiyal Registrar of Corporation

FEB 03 1997  
Rál

  
HERMAN T. GUERRERO  
Bwughiyal Bwulasiyool Gobenno

Appelughúlugh bwe ebwe attabweey Akkulé ye(Directive No.183)

  
Bwulasiyool Gobenno

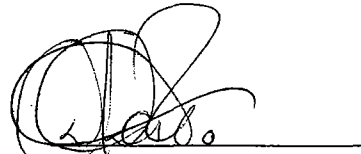


**Public Defender**  
Commonwealth of the Northern Mariana Islands

**CERTIFICATION OF ADOPTION OF  
RULES AND REGULATIONS GOVERNING THE ADMINISTRATION OF  
PUBLIC DEFENDER ELEGIBILITY**

I, Daniel J. DeRienzo, Public Defender, Office of the Public Defender, which is promulgating the RULES AND REGULATIONS GOVERNING THE ADMINISTRATION OF PUBLIC DEFENDER ELIGIBILITY, do hereby certify that such Regulations, printed in full below, are a true, complete, and correct copy of the proposed PUBLIC DEFENDER REGULATIONS, formally adopted by the Office of the Public Defender.

I declare under penalty of perjury that the forgoing is true and correct, and that this declaration was executed on the 29<sup>th</sup> day of January, 1997, at Saipan, Commonwealth of the Northern Mariana Islands.

  
Daniel J. DeRienzo  
Public Defender

**OFFICE OF THE PUBLIC DEFENDER PROPOSED  
RULES AND REGULATIONS GOVERNING THE ADMINISTRATION OF PUBLIC  
DEFENDER ELIGIBILITY**

The Office of the Public Defender, pursuant to its duties and responsibilities under 1 CMC §§ 2203 and 2204, promulgates these regulations.

1. AUTHORITY

These regulations are promulgated by the Office of the Public Defender pursuant to 1 CMC § 2204.

2. PURPOSE

These regulations are promulgated in order to increase the Public Defender eligibility standards in order to make our indigent defense services available to a larger number of indigent persons in the CNMI. In addition, the rules will set forth the procedure for eligibility determinations in order to unify and standardize the eligibility determination procedure and bring it into compliance with existing law.

3. BACKGROUND

The Sixth Amendment to the United States Constitution and Article I, Section 4(a) of the Northern Marianas Islands Constitution guarantees to all persons accused of a crime the right to counsel. Every person accused of a crime who cannot afford to hire an attorney must be provided with counsel before he or she can be sentenced to jail or prison. These regulations set maximum income levels and procedural guidelines for those individuals applying for indigent defense services.

4. DEFINITIONS

- (a) "Applicant" means any defendant in criminal cases before the courts of the Commonwealth or before courts having appellate jurisdiction over cases before the courts of the Commonwealth wishing to apply for indigent defense services.
- (b) "Household Gross Annual/Monthly Income" means salary, receipts, or proceeds of a business before deduction or expenditures for any purpose. The calculation of Household Gross Annual/Monthly Income shall include income from whatever source derived and shall include the income of each person living in the household. In juvenile cases, the Household Gross Annual/Monthly Income shall include the income of both parents.
- (c) "Liquid Assets" means those assets which are readily convertible to cash and include, but are not limited to cash, bank accounts, time certificates, stock, bonds, etc.

5. PUBLIC DEFENDER SERVICES

The Office of the Public Defender has the following powers and duties:

- (a) To defend indigent defendants in criminal cases before the courts of the Commonwealth or before courts having appellate jurisdiction over cases before the courts of the Commonwealth;
- (b) To render legal assistance to those persons who are in need of legal counseling and who are unable to afford the services of private counsel.

5. FINANCIAL ELIGIBILITY

(a) Persons shall be eligible for Public Defender's assistance or other available indigent defense services if they fall within the following maximum income levels:

<u>Family Size</u>	<u>Household Gross Annual Income<sup>1</sup></u>	<u>Gross Monthly Income<sup>2</sup></u>
1	\$10,800	\$900
2	\$14,400	\$1,200
3	\$18,000	\$1,500
4	\$21,600	\$1,800
5	\$25,200	\$2,100
6	\$28,800	\$2,400
7	\$32,400	\$2,700
8	\$36,000	\$3,000

(b) The judge before whom such applicant is appearing must also take into consideration Assets, both liquid and non-liquid as follows:

- (1) Liquid assets may not exceed \$3,000 per person in household.
- (2) Substantial non-liquid assets will result in denial of eligibility.

---

<sup>1</sup>For Family units with more than eight members, add \$3,600 for each additional member in the family.

<sup>2</sup>For Family units with more than eight members, add \$300 for each additional member in the family.



(c) The eligibility of a person shall terminate at such time when the economic circumstances of such applicant change sufficiently to enable him or her to pay a reasonable attorney fee. Under these circumstances it should be presumed that a change of attorney will have an adverse effect on the applicant's/defendant's position in the matter. The assigned indigent defense attorney shall complete the case at the court level which is in process, unless it is reasonably certain to the indigent defense attorney that a change of attorney will not prejudice the client.

## 6. PROCEDURE FOR APPLYING FOR INDIGENT DEFENSE ELIGIBILITY

(a) 1 CMC §2204 states that "[t]he determination as to whether a defendant be indigent or whether a person is unable to afford a private attorney . . . shall be at the discretion of the judge before whom such person is appearing." (1 CMC §2204, emphasis added). The clear language of the statute gives exclusive discretion, as to eligibility, to the judge before whom the person is appearing. The Commonwealth Superior Court or courts having appellate jurisdiction over cases before the courts of the Commonwealth shall make eligibility determinations prior to the appointment of the Public Defender or any other indigent defense attorney in all criminal, juvenile and traffic cases.

(b) No judge shall delegate, assign, transfer, relinquish or abdicate this responsibility to another individual, including the Public Defender, other defense attorneys, the Attorney General's Office or the Superior Court Office of Probation. The Office of Probation, however, may assist in the gathering of any and all information as may be required. Any and all information or records obtained during the financial eligibility process shall be kept strictly confidential and may not be released to the public, the media or either party to the action for any purpose whatsoever.

(c) Eligibility determinations shall be made at the initial appearance, or as soon thereafter as possible, but in any event prior to the appointment of counsel and arraignment. The Public Defender or appointed defense counsel shall commence representation upon receipt of a written order from the court appointing counsel and finding that the defendant is indigent.

## 7. CHALLENGES TO ELIGIBILITY DETERMINATIONS

The following procedures shall be used in challenging the eligibility or denial of indigent defense services.

The aggrieved person making such challenge shall submit to the judge presiding over the case a written statement outlining any and all information pertinent to the eligibility determination. Upon receipt of the written grievance(s), the judge presiding over the case shall issue a written opinion stating the reasons for denial of indigent defense services. The aggrieved person may appeal the adverse decision to the Presiding Judge of the Superior Court of the Commonwealth of the Northern Mariana Islands.

8. SEVERABILITY If any provision of this regulation or the application of such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this regulation or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.



Northern Mariana Islands  
**R E T I R E M E N T F U N D**

P.O. Box 1247, Saipan, MP 96950  
Telephone: (670) 234-7228 / Fax: (670) 234-9624  
e-mail: nmi.retirement@saipan.com

**PUBLIC NOTICE OF ADOPTED AMENDMENTS  
TO ADMINISTRATIVE RULES AND REGULATIONS  
OF THE NMI RETIREMENT FUND**

The Board of Trustees of the NMI Retirement Fund, hereby gives notice to the general public that it has adopted amendments to the Fund's Administrative Rules and Regulations pursuant to its authority under 1 CMC 8315(f) and the Administrative Procedure Act at 1 CMC 9101, et. seq.

The purpose of these amendments is to provide for the effective administration of Public Law 6-17, and to provide updates of the existing regulations, and for other purposes. The Board is soliciting comments and recommendations regarding these amendments, which must be received by the Fund within 30 days of first publication of this notice.

Copies of these regulations may be obtained at any of the NMI Retirement Fund offices of Saipan, Tinian and Rota.

Dated this 31<sup>st</sup> day of January, 1997.

Vicente C. Camacho  
Chairman  
Board of Trustees

Edward H. Manglona  
Administrator  
NMI Retirement Fund

RECEIVED BY:

HERMAN T. GUERRERO Date  
Office of the Governor

FILED BY:

SOLEDAD B. SASAMOTO / Date  
Registrar of Corporations



*Northern Mariana Islands*  
**R E T I R E M E N T F U N D**

P.O. Box 1247, Saipan, MP 96950  
Telephone: (670) 234-7228 / Fax: (670) 234-9624  
e-mail: nmi.retirement@saipan.com

**NOTISIAN PUBLIKO POT I MA ADOPTA NA TINLAIKA GI  
AREKLAMENTON I PROGRAMAN RETIREMENT FUND**

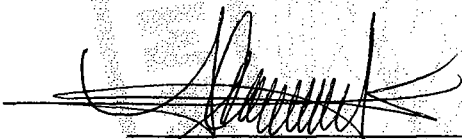
I Board of Trustees i Northern Mariana Islands Retirement Fund, sigun gi atoridat i lai gi 1 CMC 8315(f), yan i Administrative Procedure Act gi papa i 1 CMC 9101, et. seq., mananae notisia gi publiko pot i ma adopta na tinlaika gi areklamenton i programan Retirement Fund.

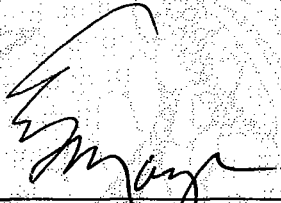
Copian este na tinlaika guaha gi ofisinan i Retirement Fund nui gaige gi primet piso gi Nauru Building, Susupe, Saipan.

I Board of Trustees ha sosojo i publiko para ufan satmiti rekomendasion osino komentos pot este na ma adoptan areklamento gi halom 30 dias despues de mapublika gi Commonwealth Register. Pot fabot satmiti todo rekomendasion gi sigente na address:

NMI Retirement Fund  
P.O. Box 1247  
Saipan, MP 96950


Mafecha gi 3/8 dia de Ineru, 1997.


  
Vicente C. Camacho  
Chairman  
Board of Trustees

  
Edward H. Manglona  
Administrator  
NMI Retirement Fund

RECEIVED BY:

FILED BY:

  
HERMAN T. CUERRERO / Date  
Office of the Governor

  
SOLEDAD B. SASAMOTO / Date  
Registrar of Corporations

# NORTHERN MARIANA ISLANDS RETIREMENT FUND

## Adopted Amendment to the Fund's Administrative Rules and Regulations

The Board of Trustees of the Northern Mariana Islands Retirement Fund hereby promulgates these rules and regulations pursuant to 1 CMC 8315(f), and the Administrative Procedure Act at 1 CMC 9101, et. seq.

### PART I. AUTHORITY

Under and by virtue of the authority vested in the Board of Trustees pursuant to 1 CMC 8315(f), the Board hereby promulgates these rules and regulations.

### PART II. PURPOSE

To re-promulgate Rule 3.5 of the Fund's Administrative Rules and Regulations, as amended, to provide for an open period to allow Class II members to elect to be credited for prior service.

### PART III. AMENDMENT

#### 3.5 Prior Service for Class II Members

- (a) Class II members who have prior service and have not elected to receive credit for such service must elect within 90 days of the effective date of these regulations to be eligible for such prior service credit; provided, however, that the required contributions are paid for services beginning October 1, 1980, and thereafter, as herein provided. Failure to elect to be credited for such prior service shall be deemed an irrevocable rejection of the credits.
- (b) Payment for prior service credit shall be made in lump sum or installment through payroll deduction over a period not to exceed seven (7) years. In the event a member retires before having fully paid for prior service, the same level of payment shall be automatically deducted from the pension benefit of the member. If the member dies leaving an eligible surviving beneficiaries, the benefit of the surviving beneficiaries shall be reduced in allocable percentage to meet fifty percent (50%) of the total benefits until the prior service liability is fully satisfied.
- (c) All payments for prior service credit shall include regular interest from the date the salary was first paid to the employee until the liability is fully paid. The principal amount due shall consist of the employee contribution based on the rate applicable at the time the salary was paid plus the regular interest computed at the time of election. Payment on installment will continue to accrue regular interest on the principal until the liability is fully paid.

# **NORTHERN MARIANA ISLANDS RETIREMENT FUND**

## **Adopted Amendment to the Fund's Administrative Rules and Regulations**

- (d) Only active Class II members on the effective date of these regulations are eligible to elect to receive prior service credit as provided herein.
- (e) For purposes of this rule, prior service includes services lost through refund of contributions.
- (f) This rule shall cease to exist upon the expiration of the open period of election as provided herein.

### **PART IV. EFFECTIVE DATE**

These regulations shall become effective pursuant to the Administrative Procedure Act at 1 CMC 9101, et. seq.



# NORTHERN MARIANAS HOUSING CORPORATION

P.O. BOX 514, Saipan, MP 96950

Tels: (670) 234-6866  
234-9447  
234-7689  
234-7670  
Fax: (670) 234-9021

Froilan C. Tenorio  
Governor

Jesus C. Borja  
Lieutenant Governor

MaryLou Ada Sirok  
Corporate Director

## NOTICE OF THE ADOPTED NMHC/MPLT HOME LOAN REGULATION

**BOARD OF DIRECTORS** Pursuant to Public Law 8-41, Section 11, Governor Froilan C. Tenorio and Lt. Governor Jesus C. Borja, through the Northern Marianas Housing Corporation (NMHC) Board of Directors, hereby serve notice that it has adopted the **NMHC/MPLT Home Loan Regulation** as published in Volume 18, Number 12, dated December 15, 1996, of the Commonwealth Register.

Juan S. Tenorio  
Chairman

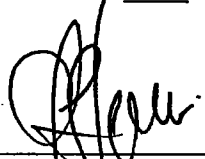
Oscar P.Q. Quitugua  
Vice Chairman


Martin DLG. San Nicolas  
Secretary

Jesus D. Sablan  
Treasurer

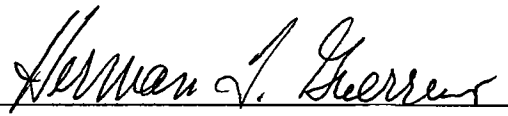
Francisco B. Evangelista  
Director

Dated this 16th day of January, 1997.

  
\_\_\_\_\_  
JUAN S. TENORIO  
Chairman  
Board of Directors

  
\_\_\_\_\_  
MARYLOU ADA SIROK  
Corporate Director

Date: FEB 11 1997

  
\_\_\_\_\_  
Received by: HERMAN T. GUERRERO  
Governor's Office

Date: 2-11-97

  
\_\_\_\_\_  
Received by: SOLEDAD SASAMOTO  
Registrar of Corporation



# NORTHERN MARIANAS HOUSING CORPORATION

P.O. BOX 514, Saipan, MP 96950

Tels: (670) 234-6866  
234-9447  
234-7689  
234-7670  
Fax: (670) 234-9021

Froilan C. Tenorio  
Governor

Jesus C. Borja  
Lieutenant Governor

MaryLou Ada Sirok  
Corporate Director

## NUTISIA PUT MA ADAPTAN I REGULASION MPLT HOME LOAN

**BOARD OF DIRECTORS** Sigun gi Lai Pubblica 8-41, Seksiona 11, I Gobietno as Foilan C. Tenorio yan Segundo Gobietno as Jesus C. Borja, entre i Northern Marianas Housing Corporation (NMHC) Board of Directors, ginen este man infotoma na esta ha adapta i Regulasion NMHC/MPLT Home Loan ni mapubblica gi Baluma 18, Numiru 12, ya ma fecha dia 15 Desembre 1996, gi halom Rehistran Commonwealth.

Juan S. Tenorio  
Chairman

Oscar P.Q. Quitugua  
Vice Chairman

Martin DLG. San Nicolas  
Secretary

Jesus D. Sablan  
Treasurer

Francisco B. Evangelista  
Director

Ma fecha gi dia 16 guine mes Marso, 1997.

JUAN S. TENORIO  
Chairman  
Board of Directors

MARYLOU ADA SIROK  
Corporate Director

Date: FEB 11 1997

Rinisibi as: HERMAN T. GUERRERO  
Ofisinan Gubietno

Date: 2-11-97

Rinisibi as: SOLEDAD SASAMOTO  
Rehistradoran Kotporasion





NORTHERN MARIANAS HOUSING CORPORATION

P.O. BOX 514, Saipan, MP 96950

Tels: (670) 234-6866
234-9447
234-7689
234-7670
Fax: (670) 234-9021

ARONGORONG REEL ADAPTA'A'LI
ALLEGHU'L NMHC/MPLT HOME LOAN

Froilan C. Tenorio
Governor

Jesus C. Borja
Lieutenant Governor

MaryLou Ada Sirok
Corporate Director

BOARD OF DIRECTORS

Juan S. Tenorio
Chairman

Oscar P.Q. Quitugua
Vice Chairman

Martin DLG. San Nicolas
Secretary

Jesus D. Sablan
Treasurer

Francisco B. Evangelista
Director

Sa'ngi Alle'ghu'l Toulap ye 8-41, Ta'lil 11, nge Gobenno Froilan C. Tenorio me Lt. Gobenno Jesus C. Borja, sangiir scho'o'l Northern Marianas Housing Corporation (NMHC) Board of Directors, nge rekke arongaawow bwe a adapta'a'li Alle'ghu'l iwe a takai toowow lo'l Volume 18, Numuro 12, ra'a'lil yet Tumwur (Disembre) 25, 1996 mello'l Commonwealth Register.

Effe'e'r llo'l ra'a'lil ye 16, maram ye Schoow, 1997.

[Signature of Juan S. Tenorio]

[Signature of MaryLou Ada Sirok]

JUAN S. TENORIO
Chairman
Board of Directors

MARYLOU ADA SIROK
Corporate Director

Ra'l FEB 11 1997

[Signature of Herman T. Guerrero]

Bwughiyal: HERMAN T. GUERRERO
Bwulasiyool Gobenno

Ra'l 2-11-97

[Signature of Soledad Sasamoto]

Bwughiyal: Soledad Sasamoto
Registrar of Corporation



**DEPARTMENT OF FINANCE**  
**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

**NOTICE OF ADOPTION**

**DEPARTMENT OF FINANCE**

**CUSTOMS SERVICE REGULATIONS NO. 4300**

The Acting Secretary of Finance, hereby adopts as permanent regulations for the Division of Customs Service, the Proposed Customs Service Regulations No. 4300, which were published in the December 15, 1996, Commonwealth Register. The permanent Customs Service Regulations are promulgated by virtue of the authority and directions set forth in the Commonwealth Code including, but not limited to, 1 CMC §2553, 1 CMC §2557, 4 CMC §1104, 4 CMC §1402(d), and 4 CMC §1818, and the Commonwealth Administrative Procedure Act, 1 CMC §9101 et seq.

Customs Service Regulations No. 4300 provides for the day to day operation of the Division of Customs. No changes were made to the Proposed Customs Service Regulations No. 4300. Copies of the Customs Service Regulations No. 4300 may be obtained from the office of the Secretary of Finance, Capitol Hill, P.O. Box 5234 CHRB, Saipan, MP 96950.

Customs Service Regulations No. 4300 become effective on February 25, 1997.

Issued by:  2-6-97  
GABRIEL DLC. CAMACHO  
ACTING SECRETARY OF FINANCE  
Date

Concurred by:  FEB. 11, 1997  
FROILAN C. TENORIO JESUS C. FORSA  
GOVERNOR  
Date

Filed and Recorded by:  2-11-97  
SOLEDAD B. SASAMOTO  
REGISTRAR OF CORPORATIONS  
Date

Received By:  FEB 11 1997  
Herman T. Guerrero  
Date



**DEPARTMENT OF FINANCE**  
**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

**CERTIFICATION**

**DEPARTMENT OF FINANCE**

**CUSTOMS SERVICE REGULATIONS**

**NO. 4300**

I, Gabriel DLC. Camacho, Acting Secretary of the Department of Finance who is publishing the "Notice of Adoption of Customs Service Regulations No. 4300", by signature below hereby certifies that the Customs Service Regulations No. 4300 is a true, correct, and complete copy of the regulations adopted by the Department of Finance. I further request and direct that this certification and the "Notice of Adoption of Customs Service Regulations No. 4300" be published in the Commonwealth Register.

I declare under penalties of perjury that the foregoing is true and correct and that this declaration was executed on the 6<sup>TH</sup> day of FEBRUARY, 1997, at Saipan, Commonwealth of the Northern Mariana Islands.

A handwritten signature in black ink, appearing to read "Gabriel DLC. Camacho", written over a horizontal line.


**GABRIEL DLC. CAMACHO**  
**Acting Secretary of Finance**

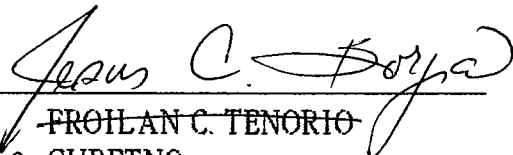
NUTISIAN INADAPTA  
DIPATTAMENTON FAINASIAI  
REGULASION SETBISIUN CUSTOMS NO. 4300

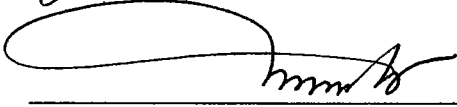
I Acting Secretary gi Finance, giene este ha adapta komu petmanente na regulasion Dibision Setbisiun Custom, i Prinipone siha na Regulasion Setbisiun Customs No. 4300, ni manmapupblika esta gi Disembre 15, 1996, gi Rehistran Commonwealth. I petmanente na REGULASION Setbisiun Custom manmacho'gue sigun gi minaolek yan aturidat yan dinirihin i Kodikun Commonwealth enklusu lao, ti este ha i 1 CMC §2553, 1 CMC § 2557, 4 CMC §1104, 4 CMC §1402 (d), yan i 4 CMC §1818, yan i Commonwealth Administrative Porcedures Act, 1 CMC9101 et seq.

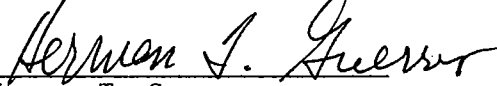
I Regulasion Setbisiun Customs No. 4300 ha pribiniyi minanehan operasion kada dia gi halom Dibision Customs. Taya tinulaika manmacho'gue gi halom i Prinipone na Regulasion Setbisiun Customs No. 4300. Guaha kopian i Regulasion Setbisiun Customs No. 4300 guatu gi Ofisinan Sekretariun Fainansiat, Capitol Hill, P.O. Box 5234 CHRB, Saipan, MP 96950.

I Regulasion Setbisiun Customs No. u efektibu gi Febreru 25, 1997.

Linaknos as:  2-6-97  
GABRIEL DLC. CAMACHO  
ACTING SECRETARY OF FINANCE  
Fecha

Inakonfotma as:  Feb. 11, 1997  
~~PROILAN C. TENORIO~~  
Actg. GUBETNO  
Fecha

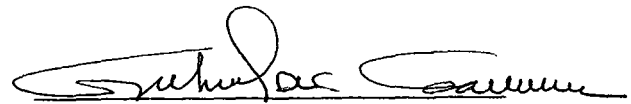
Ma file yan  
Rekot as:  2-11-97  
SOLEDAD B. SASAMOTO  
REHISTRADORAN KOTPORASION  
Fecha

Rinisibi as:  Fecha: FEB 11 1997  
Herman T. Guerrero,  
Offisinan Gubetno

SETTEFIKASION  
DIPATTAMENTON FAINASIAI  
REGULASION SETBISIUN CUSTOMS NO. 4300

Guahu Si Gabriel DLC. Camacho, Acting Secretary Dipattamenton Fainansiat ni lumaknos este na "Nutisian Inadaptan Regulasion Setbisiun Customs No. 4300", ginen i fitma-ku gi sampapa hu settefika na i Regulasion Setbisiun Customs No. 4300 magahet, dinanche, yan kumplidu na kopian i ma adaptan Regulasion ni Dipattamenton Fainansiat. Lokkue' hu rekuekuesta yan dirihe este na Settefikasion yan "Nutisian Inadaptan Regulasion Setbisiun Customs No. 4300" u mapupblika huyong gi Rehistran Commonwealth.

Hu deklara na gi papa chatmanhu'la na i manmofo'na' magahet yan dinanche yan macho'gue este na deklarasion gi mina 6 na dia, guine na mes i FEBRUERU, 1997, giya Saipan, Commonwealth i Sangkattan siha na Islas Marianas.



Gabriel DLC. Camacho  
Acting Secretary Finance

BWULASIYOOOL FINANCE  
COMMONWEALTH MATAWAL WOOL FALUWAL MARIANAS

ARONGORONG REEL ADOPTION

BWULASIYOOOL FINANCE


ALLÉGHÚL LLÓL CUSTOMS SERVICE

Lliiwelil Sekereteeriil Finance, reel milleel e adopt-taay bwe ebwele iyeel alléghúl Dibisiyoonul Customs Service, reel pomol Alléghúl llól Customs Service no.4300, ikkewe e arongowow llól maramal Tumwur(December) 15, 1996, Commonwealth Register. Alléghúl llól Customs Service nge ebwe akkatééló sáangi mereel bwángil me afalafalal kkaelo llól Commonwealth Code igha ebwal fitilong, nge essóbw aighúúgh ngáli, 1CMC § 2553, 1CMC § 2557, 4CMC § 1104, 4CMC § 1402(d), me 4CMC § 1818 me bwal Commonwealth Administration Procedure Act, 1CMC § 9101 et seq.

Alléghúl llól Customs Service No.4300 e ayoora mwóghútúghútúl alongal rál llól Dibisiyoonul Customs. Esóór lliiwel ika eyoor llól pomol Alléghúl llól Customs Service No.4300. Kopyaal Alléghúl llól Customs Service No.4300 nge emmwal ubwe bweibwogh mereel Bwulasiyool Sekereteeriil Finance, Capitol Hill, P.O. Box: 5234 CHRB, Saipan, MP. 96950.

Alléghúl llól Customs Service No.4300 nge ebwe alléghéló wóól maramal Maischigh(February) 25, 1997


E tiwow mereel:

  
Gabriel DLC Camacho

Rál: 2-6-97

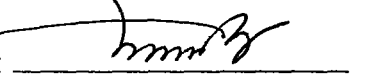
Lliiwelil Sekereteeriil Finance

Alúghúlúghúl:

  
~~Froilan C. Tenerio~~ JESUS C. BORJA  
Atg. Gobenno

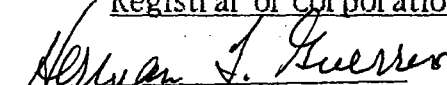
Rál: Feb. 11, 1997

Bwughiyal me Isáliiyal:

  
Soledad B. Sasamoto  
Registrar of Corporation

Rál: 2-11-97

E toolong Reel:

  
Gubenno

Ral: FEB 11 1997

BWULASIYOOOL FINANCE  
COMMONWEALTH MATAWAL WÓOL FALÚWAL MARIANAS

APELÚGHÚLÚGH

BWULASIYOOOL FINANCE

ALLÉGHÚL LLÓL CUSTOMS SERVICE

Ngaang, Gabriel DLC Camacho, Lliwelil Sekereteeriil Bwulasiyool Finance ngaang mille ikke arongaawow mille " Arong Reel Adoption-nul Alléghúl Llól Customs Service No. 4300 ", reel isch ye elo faal sáangi milleel e alúghúlúghúw bwe Alléghúl llól Customs Service No. 4300 nge e ellet, e welewel me eyoor alongal kopiyaal allégh ikka Bwulasiyool Finance e adopt-táali. I bwal tittingór me afala bwe apelúghúlúgh yeel me " Arong Reel Adoption-nul Alléghúl Llól Customs Service No. 4300" ebwe toolong arong yeel llól Commonwealth Register.

I akkapalló faal mwuttaal ruturet bwe alongal millikkaal nge e ellet me welewel, iwe arong yeel ebwe alléghéló llól rál ye 6<sup>th</sup> maramal MAISCHIG, 1997 mewóol Séipél, Commonwealth Matawal Wóol Falúwal Marianas.



Gabriel DLC. Camacho  
Lliwelil Sekereteeriil Finance



# COMMONWEALTH HEALTH CENTER

## OFFICE OF THE SECRETARY

GOVERNMENT OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF PUBLIC HEALTH-ENVIRONMENTAL SERVICES

### PUBLIC NOTICE

#### NOTICE OF ADOPTION OF THE REGULATIONS ESTABLISHING A LIVING WILL POLICY WITHIN THE DEPARTMENT OF PUBLIC HEALTH

NOTICE IS HEREBY GIVEN that the Secretary of the Department of Public Health of the Commonwealth of the Northern Mariana Islands, in accordance with the authority vested in him pursuant to 1 CMC §2605, adopts the Regulations Establishing a Living Will Policy Within the Department of Public Health without amendment. These Regulations were originally published in the December 15, 1996 Commonwealth Register, Volume 18, Number 12, pages 14804-14813. No comments were received in response to the publication of the proposed Regulations.

Copies of the Regulations Establishing a Living Will Policy Within the Department of Public Health may be obtained from the Office of the Secretary of the Department of Public Health, located on the ground floor of the Commonwealth Health Center.

  
\_\_\_\_\_  
DR. ISAMU J. ABRAHAM  
Secretary  
Department of Public Health

Date: 2-3-97


  
Filed By: \_\_\_\_\_  
SOLEDAD B. SASAMOTO  
Registrar of Corporations

Date: 2-11-97

Received By:   
\_\_\_\_\_  
Governor's Office

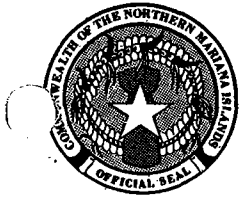
Date: FEB 11 1997

Certification for Compliance With Directive No. 183:

  
\_\_\_\_\_  
Herman T. Guerrero  
Executive Assistant To The Governor

Date: FEB 11 1997





# COMMONWEALTH HEALTH CENTER

## OFFICE OF THE SECRETARY

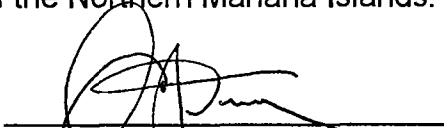
GOVERNMENT OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF PUBLIC HEALTH-ENVIRONMENTAL SERVICES

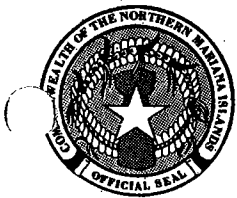
### CERTIFICATION OF ADOPTION OF THE REGULATIONS ESTABLISHING A LIVING WILL POLICY WITHIN THE DEPARTMENT OF PUBLIC HEALTH

I, Dr. Isamu J. Abraham, the Secretary of the Department of Public Health which is promulgating the Regulations Establishing a Living Will Policy Within the Department of Public Health, published in the December 15, 1996 Commonwealth Register Volume 18, Number 12, at pages 14804-14813, by signature below, hereby certify that such regulations are a true, complete, and correct copy of the Regulations Establishing a Living Will Policy Within the Department of Public Health now adopted by the Department of Public Health. I further request and direct that this Certification be published in the Commonwealth Register and then be attached by both the Office of the Registrar of Corporations and by the Office of the Governor to the Regulations Establishing a Living Will Policy Within the Department of Public Health.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on the 3rd day of February, 1997 at Saipan, Commonwealth of the Northern Mariana Islands.

By: \_\_\_\_\_

  
DR. ISAMU J. ABRAHAM  
SECRETARY  
Department of Public Health



# COMMONWEALTH HEALTH CENTER

## OFFICE OF THE SECRETARY

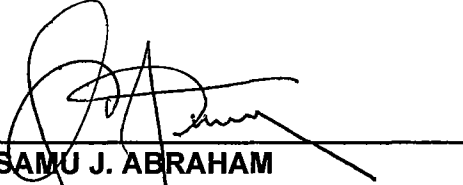
GOVERNMENT OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF PUBLIC HEALTH-ENVIRONMENTAL SERVICES

### NUTISIAN PUBLIKU

## NUTISIA PUT MA ADAPTAN I REULASION ESTABLISI I LIVING WILL POLICY GI HALOM I DIPATTAMENTON HINEMLO PUBLIKU

NUTISIA MA NANA'I GINEN ESTE na I sekretarion I Dipattamenton Hinemlo Publiku Commonwealth I Sangkattan siha na islas Marianas. Komu konsiste yan I aturidat ni ma entrega gue' sigon gi 1 CMC 2605, ha adapta I Regulasion Establisi I Living Will Policy gi halom I Dipattamenton Hinemlo Publiku sin amendasion. Este siha na regulasion orihinamente manma pupblika gi halom I Dicembre 15, 1996 nu Rehistran Commonwealth, Baluma 18, Numiru 12, pahina 14804 asta 14813. Tayá komentu manma risibi komu ineppe para ipinepblika put I manma proponi siha a Regulasion.

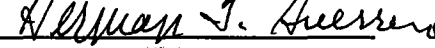
Kopian I Regulasion Establisi I Living Will Policy gi halom I Dipattamenton Hinemlo Publiku siña manma chuchulé ginen I ofisinan I Sekretariun Dipattamenton Hinemlo Publiku gi primet na bibendan I Commonwealth Health Center.

  
DR. ISAMU J. ABRAHAM  
Sekretariu  
Dipattamenton public Health

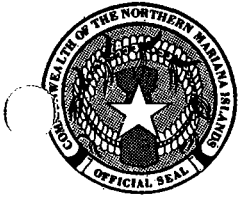
Fecha: 2-3-97

Ma file as:   
SOLEDAD B. SASAMOTO  
Rehistradoran Kotporasion

Fecha: 2-11-97

Rinisibi as:   
Herman T. Guerrero  
Offisinan Gubetno

Fecha: FEB 11 1997



**COMMONWEALTH HEALTH CENTER**

**OFFICE OF THE SECRETARY**

GOVERNMENT OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF PUBLIC HEALTH-ENVIRONMENTAL SERVICES

**SETTIFIKASION PARA UMA ADAPTA I REGULASION ESTABLISI  
I LIVING WILL POLICY GI HALOM I DIPATTAMENTON HINEMLO  
PUBLIKU**

Guahu, Dr. Isamu J. Abraham, I sekretarion I Dipattamenton Hinemlo Publiku chumo'gue este na Regulasion Establisi I Living Will Policy gi halom I Depattamenton Hinemlo Publiku, ma publisia este gi Disembre 15, 1996 Rehistran Commonwealth Baluma 18, Numuru 12, gi pahina 14804 asta 14813, hu settifika na magahet, kabales, yan dinanchi na regulasion I Living will Policy na regulasion. Lokue, hu rikuesta yan dirihi na este na settifikasion uma pupblika gi halom I Rehistran Commonwealth pues u mana acheton para guato offisnan Rehistran Kotporasion yan Offisinan I Gotbetno put I Regulasion Establisi I Living will Policy gi halom I Depattamenton Hinemlo Publiku.

Hu deklarara na gi papa penan dinagé na magahet yan dinanche este. Ya este na deklarasion machogue gi dia 3<sup>rd</sup> Febreru, 1997 giya Saipan, Commonwealth I Sangkattan siha na Islas Marianas.

Ginen:

  
Dr. Isamu J. Abraham  
SEKRETARIUN

Diapattamenton Public Health



# COMMONWEALTH HEALTH CENTER

## OFFICE OF THE SECRETARY

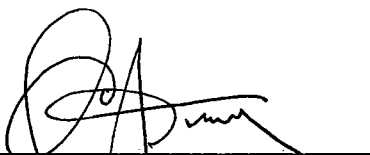
GOVERNMENT OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF PUBLIC HEALTH-ENVIRONMENTAL SERVICES

### ARONGORONG NGAILIIR TOWLAP

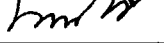
#### ARONGORONG IGHA EBWELE ATOOTOLONG ALLEGH YE AWEEWEL MALAWAL ARAMAS BWE EBWEE ALLEGHELEGHLO IYE ETOWOOW ME REEL BWULASIYOOL PUBLIC HEALTH

Allégh ye e towoow me reel Mwóghasal Bwulasiyool Public Health me Ilól Commonwealth Ilól táilil falúw kka Northern Marianas, sáangi ówtol aweewe ye ee alleghúw ngáli me Ilól Allegh Lapalap ye 1 CMC táilil 2605, iye ee alléghúló aweweel Malawal Aramas me Ilól Bwulasiyool Public Health iye ebweló bwe esóór siwelil ówtol. Iyeel allégh ye efasúl alléghló me Ilól maram ye Disembre 15, 1996 me Ilól Commonwealth Register, Volume 18, Numuro 12. Ilól schéel 14804 mwetngáli 14813. Esóór aiyégh kka ee toolong igha ee towoow reer towlap bwe wbwe aliéghló.

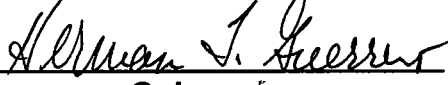
Kapiyaal Allégh ye ee ayooratá Living will Policy nge emmwel schagh ubwe bwughime reel Bwulasiyool Public Health reel ofisil Mwóghasal Public Health elo reel faal me Ilól Commonwealth Health Center.

  
\_\_\_\_\_  
**DR. ISAMU J. ABRAHAM**  
Mwóghasal  
Bwulasiyool Public Health


2-8-97  
Rál

E aa tootolong Reel:   
\_\_\_\_\_  
**Soledad B. SASAMOTO**  
School Isisil Tijiigh

2-11-97  
Rál

E toolong Reel   
\_\_\_\_\_  
**Herman T. Guerrero**  
Gubennó

FEB 11 1997  
Rál

  
\_\_\_\_\_  
**Herman T. Guerrero**  
Ex. Ass. Ngáli Gubenno

FEB 11 1997  
Rál



COMMONWEALTH HEALTH CENTER

OFFICE OF THE SECRETARY

GOVERNMENT OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF PUBLIC HEALTH-ENVIRONMENTAL SERVICES

**APPELUGHULUGHUL ADOPTION- UL ALLEGH YE  
EBWEYOOOR LIVING WILL POLICY LLÓ bwulasiYOOOL  
PUBLIC HEALTH**

Ngaang, Dr. Isamu J. Abraham, Mwóghasal Bwulasiyool Public Health, iye ngaang mille I féerú allegh ye ebweyoor Living Will Policy llól Departmentool Public Health, iwe aa takkal toowow wóól Desembre 15, 1996 llól Commonwealth Register Volume 18, Numuro 12, peighil kka 14804 mwet ngáli 14813, igha I makkeytiw itáy faal, nge I akkapáló bwe allégh kkaal nge schescheel, ulusul, me elletal kopiya Alleghul Living Will Policy. I bwal tingór me afala bwe Appelúghúlúgh yeel nge ebwe toowow llól Commonwealth Register, me rebwe bwalafanga ngáli Bwulasiyool Register of Corporations me bwal Bwulasiyool Gubenko reel Allegh Ye Living Will Policy llal Depattamentool Public Health.

I akkapalo bwe faal mwutaal raturut bwe milleel nge schescheel, me elletal, nge effeer llol raalil ye 3rd Febrero, 1997 mewóó Seipel, Commonwealth of the Northern Mariana Islands.

Sangi:

  
DR. ISAMU J. ABRAHAM  
Sekretoriyaal  
Dipattamentool Public Health



# COMMONWEALTH HEALTH CENTER

## OFFICE OF THE SECRETARY

GOVERNMENT OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF PUBLIC HEALTH-ENVIRONMENTAL SERVICES

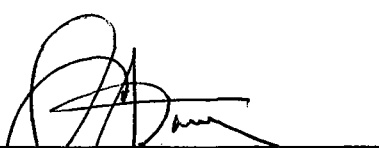
### PUBLIC NOTICE

#### NOTICE OF ADOPTION OF THE RULES AND REGULATIONS GOVERNING THE HEALTH SCREENING REQUIREMENTS OF ALIEN EMPLOYEES


NOTICE IS HEREBY GIVEN that the Secretary of the Department of Public Health of the Commonwealth of the Northern Mariana Islands, in accordance with the authority vested in him pursuant to 1 CMC §2603 (a) and (b) to maintain and improve health conditions and minimize and control communicable disease in the CNMI, adopts the Regulations Governing the Health Screening Requirements of Alien Employees. These Regulations were originally published in the July 15, 1996 Commonwealth Register, Volume 18, Number 7, pages 14183-14200.

At the time the proposed Rules and Regulations were published, the public was asked to provide comments and make suggestions for the modification or improvement of the Rules and Regulations. A number of comments, both oral and written, were received and considered by the Department of Public Health administration. Copies of the written comments received in response to the prior public notice are available for inspection at the Department of Public Health during regular business hours. As a result of this review of the public comments, various changes were made to the Rules and Regulations as originally proposed. The amended Rules and Regulations are therefore published herein in their entirety.

Copies of the Regulations Governing the Health Screening Requirements of Alien Employees may be obtained from the Office of the Secretary of the Department of Public Health, located on the ground floor of the Commonwealth Health Center. These adopted Regulations shall take effect on March 1, 1997.

  
\_\_\_\_\_  
DR. ISAMU J. ABRAHAM  
Secretary  
Department of Public Health

Date: 2-4-97

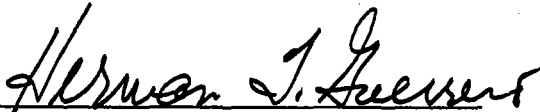
Filed By:   
SOLEDAD B. SASAMOTO  
Registrar of Corporations

Date: 2-11-97

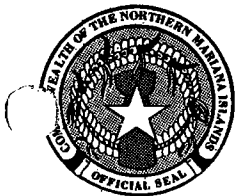
Received By:   
Governor's Office

Date: FEB 11 1997

Certification for Compliance With Directive No. 183:

  
Herman T. Guerrero  
Executive Assistant To The Governor

Date: FEB 11 1997



# COMMONWEALTH HEALTH CENTER

## OFFICE OF THE SECRETARY


GOVERNMENT OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF PUBLIC HEALTH-ENVIRONMENTAL SERVICES

### CERTIFICATION OF ADOPTION OF THE RULES AND REGULATIONS GOVERNING THE HEALTH SCREENING REQUIREMENTS OF ALIEN EMPLOYEES

I, Dr. Isamu J. Abraham, the Secretary of the Department of Public Health which is promulgating the Rules and Regulations Governing the Health Screening Requirements of Alien Employees, published in the July 15, 1996 Commonwealth Register Volume 18, Number 7, at pages 14183-14200, by signature below, hereby certify that the attached Rules and Regulations Governing the Health Screening Requirements of Alien Employees, as amended, are a true, complete, and correct copy of the Rules and Regulations now adopted by the Department of Public Health. I further request and direct that this Certification be published in the Commonwealth Register and then be attached by both the Office of the Registrar of Corporations and by the Office of the Governor to the Rules and Regulations Governing the Health Screening Requirements of Alien Employees.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on the 4<sup>th</sup> day of February, 1996 at Saipan, Commonwealth of the Northern Mariana Islands.

By: \_\_\_\_\_

  
DR. ISAMU J. ABRAHAM  
SECRETARY  
Department of Public Health





# COMMONWEALTH HEALTH CENTER

## OFFICE OF THE SECRETARY

GOVERNMENT OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF PUBLIC HEALTH-ENVIRONMENTAL SERVICES

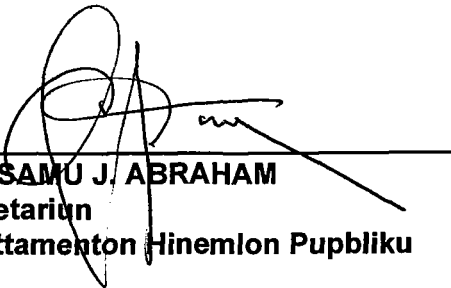
### NUTISIA PUBLIKU

#### NUTISIA PUT I MA'ADAPTAN AREKLAMENTO YAN REGULASION SIHA NI GOMUBIEBIETNA I NISIDAT NA EKSAMINASION HINEMLO' NI PARA EMPLÉ'AO TAOTAO HIYONG

NUTISIA MANAN'I GINEN ESTE na I Sikretsarion dipattamenton Henemlo' Publiku I Commonwealth Sangkattan siha na Islas Mariana, komu konsiste yan aturidat ni mana'i gue signon gi 1 CMC §2603 (a) yan (b) para u mantiene yan adelanta I kondision hinemlo' siha yan para u ribaha yan maneha I mantatme siha na chetno gi halom CNMI, ha adapta I Regulasion siha ni para u gobietna I Nisisdat Eksaminasion Hinemlo' para I emple'ao taotao hiyong. Este siha na Regulasion orihinatmente manma publika gi halom I Juliu 15, 1996 na Rehistran Commonwealth Baluma 18, Numiru 7, pahina 14183-14200.

Gi ayu na tiempo anai manma publika I manma propoponi siha na Areklamento yan Regulasion, I pupliku ma faisen paru u fama'komento yan rekomendasion para I madifikasion osino adelantan I Areklamento yan Regulasion siha. Unos kuantos siha na komento, parehu ha' sinagnan yan tinige' manma risibi ya manma konsidera ni atministrasion I Dipattamenton Henemlo' Publiku. Kopian I manma tuge siha na komento ni manma risibi komu ineppe para I mofona na nutisian pupliku mangguaha para ininan pupliku gi Dipattamenton Hinemlo' Publiku duranten regulat siha na oran bisnes. Komu resuttan este na inina put I komenton pupliku siha, guaha siha tinilaika manmafa'tina gi orihinat na priniponen Areklamento yan Regulasion siha. I manma amenda na Areklamento yan Regulaion siha manma publika enteramente gueni.

Kopian I Regulasion siha ni Para U Gobietna I Nisisdat na Eksaminasion Hinemlo' ni para emple'ao taotao hiyong siña manma chule' ginen I ofisina I Sikretarion Depattamenton Hinemlo' Publiku, gi primet na bibendan I Commonwealth Health Center. Este I manma adapta siha na Regulasion para u fanefektibu gi Matso 1, 1997.

  
DR. ISAMU J. ABRAHAM  
Sekretariun  
Dipattamenton Hinemlon Publiku

Fecha: 2-4-97





**COMMONWEALTH HEALTH CENTER**

**OFFICE OF THE SECRETARY**

GOVERNMENT OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF PUBLIC HEALTH-ENVIRONMENTAL SERVICES

**SETTEFIKASION MA ADAPTAN AREKLAMENTO YAN REGULASION NI  
PARA U GOBIETNA I EKSAMINASION HINEMLO' PARA I EMPLÉ'OA  
TAOTAO HIYONG**

Guahu, si Dr. Isamu J. Abraham, Sekretariun Dipattamenton Hinemlo' Pupbliku ni chu'mogue I sigiente siha na areklamento yan regulasion siha put I para u gobietna Eksaminasion Hinemlo' ni ginagagao para emple'ao taotao hiyong, ya ma pupblika gi Juliu, 15, 1996 gi halom Rehistran COMMONWEALTH BALUMA, 18 NUMIRU 7, PAHINA 14183-14200 ginen I fitma'-ku gi sampapa, hu settefika na I chechetton na Areklamento yan Regulasion put I para u Gobietna I Eksaminasion Hinemlo' put Emple'ao taotao hiyong, komu ma tulaika man magahet, dinanche yan kumplidu na kopian I Areklamento yan Regulasion komu esta ma adapta ni Dipattamenton Hinemlo' Pupbliku. U rekuekuesta lakkue' na para u ma dirihi yan mapupblika este na nutisia huyong gi Rehistran Commonwealth yan u mana guaha kopia guato gi Ofisian Rehistran Kotporasion, yan I Ofisinan Gobetno put I Areklamento yan Regulasion Esaminasion Hinemlo' put Emple'ao taotao hiyong.

Hun deklar na gi papa penan chatmanhula' na I manmoffo'na siaha na areklamento yan regulasion komu man magahet, dinanche ya este na desision ma cho'gue gi dia 4 Febreru 1997, Saipan I Sangkattan siha na Islas.

Ginen:

  
DR. ISAMU J. ABRAHAM  
SEKRETARIUN  
DIPATTAMENTON HINEMLO' PUPBLIKU



**COMMONWEALTH HEALTH CENTER**

**OFFICE OF THE SECRETARY**

**GOVERNMENT OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF PUBLIC HEALTH-ENVIRONMENTAL SERVICES**

## **ARONGORONGOL TOWLAP**

### **ARONGORONGOL ALLEGHUL REEL SCHOOL LUGHUL KKA RE ANGAANG LLOL DEPATTAMENTOOL SUMWAYUL TOWLAP**

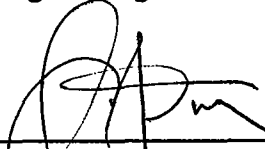
Arongorong aa towow me reel Sekketóriyaal Depattamentool Sumwayúl Towlap Ilól Commonwealth Northern Mariana Islands, me reel Allégh Lapalapa Commonwealth iye re ngalleey me Ilól 1 CMC táilil 2603 (a) me (b) bwe ebwe teppengi me ebwe aghatchúló mwóghutughutul bwulasiyo yeel bwe ebwe amweri e faisúl sumway yeel ebwe a ghatchú me ebwe tepengi aramas kka re tooto angaang Ilól CNMI. Allégh kkaal nge ra ghomwal atowowu Ilól maram ye July 15, 1996 me Ilól Commonwealth Register, Volume 18, Numuro 18, Ilól scheel 14183 mwetngáli 14200.

Igha re atowowu Allégh kkaal re aiyeghiir towlap rebwe atolongow mengemengiir bwe ebwe siwel meeta Allégh kka re ayoora. Ayoor Allégh kka a toolong me reer towlap eweewe schagh milli kka re ischi meeta kka re mwelililong nge emmwel bwe aubwe tooto bwe aubwe amweri Ilól Depattamentool Sumwayúl Towlap igha ee.


Suusuwul bwulasiyo leráál. Me reel milikka re atoolong me reer towlap a soogh siwel me reel Allégh kka re atowowul iwe iye rebwele atowowu reel towlap alongal meeta ee fil me reel jaar a totoolong me reel toulap bwe ebwe fil me ebwe aghatchúwló allégh kkaal.

Ngare aumwuschel bwe ebwe yoor yáámi koopiya reel Allégh kkaal nge emmwel aubwe ló bwughi me reel Bwulasiyool Sumwayúl Towlap iye elo me mwal

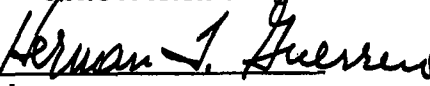
bibiendal llól Bwulasiyool Sekketóriya reel Depattamentool Sumwayúl Towlap.  
Alongal Allégh kkaal nge ebwe bweltá wóótso 1, 1997.

  
\_\_\_\_\_  
DR. ISAMU J. ABRAHAM  
Seketóriyaal  
Bwulasiyool Sumwayúl Towlap

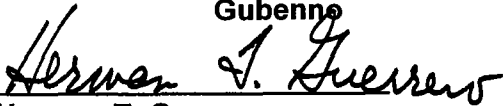
Rál: 2-4-97

E aa Tootolong Reel:   
\_\_\_\_\_  
Soledad B. SASAMOTO  
School Isisil Tiliigh

Rál: 2-11-97

E toolong Reel:   
\_\_\_\_\_  
Gubenko

Rál: FEB 11 1997

  
\_\_\_\_\_  
Herman T. Guerrero  
Ex. Asst. Ngáli Gubenko

Rál: FEB 11 1997



**COMMONWEALTH HEALTH CENTER**

**OFFICE OF THE SECRETARY**

GOVERNMENT OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF PUBLIC HEALTH-ENVIRONMENTAL SERVICES

**ALLEGHUL REBWE AYOORA ALLEGH KKA EBWE AWEWEEY  
EBWE FAISUL SCHOOL ANGAANGAL LUGHUL**

Ngaang, Dr. Isamu J. Abraham, Sekketóriyaal Depattamentool Sumwayúl Towlap iye re mweitingeliyey me reel Allégh Lapalapaal Commonwealth bwe ebwe mwel ibwe ayooora allégh Reel Mwóghutughutul Schóól Angangaal Lughúl iye re ischi llól maram ye Hulio 15, 1996, me llól Volume 18, Numuro 17, me llól schéel tilighi kka 14183 mwetngáli 14200, me reel yááy makkey ittááy faal yeel nge l akkapaal ló bwe iyeel Allégh Kka Ebwe Lemeli Mwóghutughutul schóól Angangaal Lughúl llól Depattamentol Sumwayúl Towlap. li bweal ghi sóbweyló bwe mille rebwe aa towoowu lló Commonwealth Register nge ebwe bwal schu ngáli sché ye ebwe atootolong reel Bwulasiyool Alléghul Mwóghutughu me bwal Bwulasiyool Gubenno reel alléghúr Schóól Angangaal Lughúl.

I akkappaal ngáli lááng bwe wewwl me ii apilúghúlúghúw bwe alongal meeta ira nge esóór allewal llól Allegh Lapalapaal Commonwealth me akkappaal ye yááy re féerú wóol 4 rál me llól maram ye Febreero, 1996 me Seipél llól Commonwealth Northern Marianas.

Me reel: \_\_\_\_\_

**Dr. ISAMU J. ABRAHAM  
SEKKETORIYAAL**

Depatamentool Sumwayúl Towlap

## RULES AND REGULATIONS GOVERNING THE SCREENING REQUIREMENTS OF ALIEN EMPLOYEES

### I. Purpose and Findings

The purpose of these Rules and Regulations is to establish procedures and protocols for the issuance of Health Certificates to all Alien Employees. Upon adoption of these Rules and Regulations, all Alien Employees, and their family members entering the CNMI, will be required to obtain a general physical examination and health screenings for specified communicable diseases before a Health Certificate is issued to them. These new requirements are intended not only to maintain the health of all Alien Employees who enter and reside in the CNMI to provide employee services to Employers pursuant to the provisions of the Nonresident Worker Act, 3 CMC §4411 *et. seq.*, but also to ensure the health of CNMI residents by preventing the spread of certain infectious and communicable diseases. It is the intent of the Division of Public Health to provide minimum requirements for the protection of life, health, safety, and welfare of CNMI residents by instituting these Rules and Regulations.

The Division of Public Health has determined that many Alien Employees and their families are coming from countries that have endemic communicable diseases that could ultimately become a public health concern for the residents of the CNMI. Furthermore, the Division of Public Health has found that diseases transmitted by Alien Employees frequently originate from an infected employee who shows little outward appearance of being ill. As a result, a wide range of communicable diseases and infections may be unknowingly transmitted by infected personnel to other employees and the general public. The Division of Public Health has thus concluded that an effective means of controlling the spread of specific communicable diseases is to screen the Alien Employees and their families for these diseases upon their entry into the CNMI, and every year subsequent.

The health screening of the Alien Employees will not only be beneficial to these workers and the residents of the CNMI, but will also be

advantageous to Employers. By overseeing compliance with the health screenings of Alien Employees required by these Rules and Regulations, the Employer can minimize the high costs of medical treatment here in the CNMI, and avoid the added cost of deportation in the event the Alien Employee is later found to have a communicable disease. Also relevant to Employers is that Alien Employees afflicted with communicable diseases are less productive. By ensuring that Alien Employees obtain the required health screenings, Employers can assure the relative health of the Alien Employees they employ.

## II. Definitions

As used throughout these Rules and Regulations, the following terms shall have the meanings set forth below:

2.1. Active Tuberculosis means clinical, laboratory, or radiologic evidence of a current disease process caused by *Mycobacterium tuberculosis*.

2.2. Adequate means the Secretary's determination that a recommended action will sufficiently fulfill the requirements for a proposed objective.

2.3. Alien Employee means any foreign national, other than those citizens from United States Compact of Free Association Nations, who has entered the CNMI for the purpose of providing services or labor in exchange for remuneration by an Employer.

2.4. Communicable Disease means a disease caused by an infectious agent or the toxic product of an infectious agent and which can be transmitted directly or indirectly from one individual to another.

2.5. Department means the Department of Public Health, a department within the Executive Branch of the CNMI Government.

2.6. Dependent means the Alien Employee's spouse, children under the age of 21, or parents who are not United States citizens.



2.7. Deportation means the return of an alien to his or her country of origin as provided by the Commonwealth Entry and Deportation Act of 1983, specifically 3 CMC §4341.

2.8. Division means the Division of Public Health, a division within the Department of Public Health.

2.9. Duly Authorized Representative means the Deputy Secretary of Public Health Administration, the Medical Director of Public Health, the Sanitation Services Officer, or Sanitarian, as appointed by the Secretary.

2.10. Employer means any individual, partnership, association, corporation, or other legal entity which hires, employs, or otherwise engages for compensation any individual to perform services or labor within the Commonwealth, including any branch, agency, or instrumentality of the Commonwealth, but does not include the United States government.

2.11. Health Certificate means an authorization issued by the Secretary to an Alien Employee certifying that the Alien Employee has been examined and found to be in good health, and free of specified communicable diseases.

2.12. HIV means the Human Immunodeficiency Virus which infects humans principally through sexual intercourse, the exchange of bodily fluids, including blood and blood products, or the sharing of needles among intravenous drug users, and which may eventually lead to the development of acquired immunodeficiency syndrome (AIDS).

2.13. Inactive Tuberculosis means a form of Tuberculosis which is not considered communicable, and although diagnosed through a positive PPD skin test, leaves the patient asymptomatic and without any evidence of active disease.

2.14. Person-In-Charge means the individual present in a place of employment who is the apparent supervisor of the business establishment and the supervisor of the Alien Employees at the time of inspection, or in the event

no designated supervisor is present, then any employee working at the place of employment.

2.15. Physical Examination means a medical examination performed by a Physician.

2.16 Physician means a CNMI licensed physician.

2.17. Secretary means the Secretary of the Department of Public Health, or a Duly Authorized Representative.

2.18. Syphilis means a sexually transmitted disease caused by the organism *Treponema pallidum*, and screened by means of a Rapid Plasma Reagin (RPR) test.

2.19. Tuberculosis means a communicable disease caused by the organism *Mycobacterium tuberculosis*.

### III. Physical Examination

3.1. Period For Obtaining Physical Examination. Within ten (10) days after authorized entry into the CNMI for employment, an Alien Employee shall schedule an appointment for a Physical Examination as required by the Nonresident Worker Act, 3 CMC §4438(b). A record of the Physical Examination shall be completed by the Physician on a Physical Examination form approved by the Division. Yearly Physical Examinations for Alien Employees shall be performed at least forty-five (45) days prior to the annual renewal of the employment contract, or forty-five (45) days prior to the anniversary of the entry date into the CNMI, whichever date is first.

3.2. Filing of Physical Examination Forms. The Physician performing the Alien Employee's Physical Examination shall provide the Employer with a copy of the completed Physical Examination form for the Alien Employee in a sealed envelope marked "Confidential" within forty-five (45) days from the date of the Alien Employee's initial Physical Examination, and forty-five (45) days from the date of each annual Physical Examination thereafter. It shall then be the responsibility of the Employer to submit the sealed envelope

containing the Alien Employee's Physical Examination form to the Division within ten (10) days from receipt from the Physician.

3.3. Cost of Physical Examination. The cost of the Alien Employee's Physical Examination shall be the financial responsibility of the Alien Employee's Employer.

#### **IV. Screening For Communicable Disease**

All Alien Employees entering the CNMI shall be screened for specified communicable diseases which can not only jeopardize the health and life of the Alien Employees, but also threaten the resident CNMI population and tourists visiting the CNMI. Screenings shall be limited to those communicable diseases which can be easily tested and monitored, including Tuberculosis, HIV, Syphilis, and any other communicable disease specified by the Secretary through health advisories as being a potential risk to the CNMI community.

4.1. Procedures For Screening. Concurrent with the performance of the Physical Examination, the Alien Employee shall obtain health screening tests for the communicable diseases specified in these Rules and Regulations, and any others required by the Secretary through health advisories. All chest radiographs required by these Rules and Regulations shall be read by a Physician, or may be sent to the Center For Tuberculosis and Lung Disease at the Commonwealth Health Center for reading.

4.2. Filing of Screening Test Results With The Division. The Alien Employee's Physician shall provide the Employer with a copy of all screening test results required by this Section 4 and by the Secretary's health advisories within forty-five (45) days from the date of the Alien Employee's initial Physical Examination, and forty-five (45) days from the date of each annual Physical Examination thereafter. The screening test results shall be included in the sealed envelope marked "Confidential" containing the Physical Examination form. It shall then be the responsibility of the Employer to submit the sealed envelope containing the screening test results to the Division within ten (10) days from receipt from the Physician.

4.3. Cost of Screening Tests. The cost of the Alien Employee's

screening tests for the communicable diseases set forth in these Rules and Regulations, and any other tests required by the Secretary through health advisories shall be the financial responsibility of the Alien Employee's Employer.

4.4 Required Screening Tests For Communicable Diseases. At a minimum, all Alien Employees shall obtain screening tests for the following communicable diseases:

a. Tuberculosis Screening. Every Alien Employee shall obtain a Mantoux tuberculin skin test using purified protein derivative (PPD) and a single view PA chest radiograph upon entry into the CNMI. The PPD test must be read two to three (2-3) days after the date it is performed. Treatment and annual screening for the Alien Employee shall depend on the outcome of the PPD and chest radiograph, as follows:

(i) Positive PPD Results, Positive Chest Radiograph. If the Alien Employee's PPD test result is positive (greater than or equal to ( $\geq$ ) 10 millimeters induration), and the chest radiograph is suggestive of Tuberculosis in any form, the Alien Employee shall be referred to the Center For Tuberculosis and Lung Disease at the Commonwealth Health Center for further evaluation. Alien Employees who tested positive for Tuberculosis through the PPD test and the chest radiograph shall be required to comply with the recommendations of the Center For Tuberculosis and Lung Disease regarding subsequent screenings and treatment for Tuberculosis.

(ii) Negative PPD Results, Positive Chest Radiograph. If the Alien Employee's PPD test result is negative (less than ( $<$ ) 10 millimeters induration), but the chest radiograph is suggestive of Tuberculosis in any form, the Alien Employee shall be referred to the Center For Tuberculosis and Lung Disease at the Commonwealth Health Center for further evaluation. Alien Employees who have a chest radiograph consistent with Tuberculosis shall be required to comply with the recommendations of the Center For Tuberculosis and Lung Disease regarding subsequent screenings and treatment for Tuberculosis.

(iii) Positive PPD Results, Negative Chest Radiograph. If the Alien Employee's PPD test result is positive (greater than or

equal to ( $\geq$ ) 10 millimeters induration), but the chest radiograph is negative, preventative treatment may be recommended by the Alien Employee's attending Physician. However, no further Tuberculosis testing for the Alien Employee shall be required until the following year. Alien Employees who tested positive for Tuberculosis through the PPD test shall be required to obtain a chest radiograph annually.

(iv) Negative PPD Results, Negative Chest Radiograph. If the Alien Employee's PPD test result is negative (less than ( $<$ ) 10 millimeters induration), and the chest radiograph is negative, no further Tuberculosis testing for the Alien Employee will be required until the following year. Alien Employees with negative PPD results and negative chest radiographs shall be required to obtain only a PPD test annually, unless the PPD test result is positive (greater than or equal to ( $\geq$ ) 10 millimeters induration). Alien Employees who develop a positive PPD test result shall be referred to the Center For Tuberculosis and Lung Disease for evaluation and treatment.

The annual PPD test and/or chest radiograph, as appropriate, shall be performed at least forty-five (45) days prior to the annual renewal of the employment contract, or forty-five (45) days prior to the anniversary of the entry date into the CNMI, whichever date is first.

b. HIV Screening. Every Alien Employee shall obtain an HIV antibody test first upon entry into the CNMI, and then annually thereafter. The yearly test shall be performed at least forty-five (45) days prior to the annual renewal of the employment contract, or forty-five (45) days prior to the anniversary of the entry date into the CNMI, whichever date is first.

c. Syphilis Screening. Every Alien Employee shall obtain a Rapid Plasma Reagin (RPR) test first upon entry into the CNMI, and then annually thereafter. The yearly test shall be performed at least forty-five (45) days prior to the annual renewal of the employment contract, or forty-five (45) days prior to the anniversary of the entry date into the CNMI, whichever date is first.

d. Other Communicable Diseases. All Alien Employees who contract other infectious or communicable diseases should be seen

promptly by a Physician. Any Physician who diagnoses an Alien Employee as having a communicable disease shall immediately report the Alien Employee to the Division.

**V. Issuance of Health Certificates**

5.1. Alien Employee Health Certificates. Within ten (10) working days of receiving the Alien Employee's Physical Examination form, the Division shall determine whether the Alien Employee qualifies to receive a Health Certificate. If the Alien Employee has been found to be physically fit, in good health, and free from communicable diseases covered by these Rules and Regulations, the Secretary shall issue the Alien Employee a Health Certificate. The Health Certificate shall be valid for a period of one (1) year from the date of issue.

5.2. Suspension of Issuance of Health Certificate for Alien Employees Found To Have A Communicable Disease. Alien Employees who test positive for a communicable disease covered by these Rules and Regulations shall be issued a Health Certificate subject to the recommendations of the Division.

5.3. Cost of Health Certificates. The cost of an Alien Employee Health Certificate shall be Twenty Dollars (\$20.00), payable to the Department upon issuance of the Health Certificate. The Employer of the Alien Employee shall be responsible for the cost of the Health Certificate.

5.4. Employer To Maintain Files. The Employer shall maintain the Health Certificates of all its Alien Employees in their respective employment files at all times. The Employer shall be prepared to show these Health Certificates to a Duly Authorized Representative, upon request during an inspection.

## **VI Division Record Keeping and Tracking Measures**

6.1. Public Health Notification Form. A "Public Health Notification Form" shall be completed in triplicate by every Alien Employee and every Dependent entering the CNMI. The original Public Health Notification Form shall be given to the Alien Employee. One copy of the Public Health Notification Form shall be provided to the Division of Labor, Department of Labor and Immigration, and the second copy shall be provided to the Division.

6.2. Database Records. The information contained on the Public Health Notification Form shall be used by the Division to develop an Alien Employee health database. The database shall be used to track all Alien Employees and Dependents for compliance with the health screening requirements established in these Rules and Regulations. All Public Health Notification Forms shall be submitted to the Division within ten (10) days of entry.

6.3. Notice of Noncompliance. If a review of the Division's database indicates that an Alien Employee has not been issued a Health Certificate within ninety (90) days from the Alien Employee's date of entry into the CNMI, Division staff shall send written notice to the Alien Employee, with a copy provided to the Employer, of noncompliance with these Rules and Regulations. The Alien Employee shall have twenty (20) days from the date of the notice to come into compliance with the requirements of these Rules and Regulations. Failure to respond to the Division's notice shall subject the Alien Employee and the Employer to penalties as set forth in Section 10 of these Rules and Regulations. This Section 6.3 shall not apply to those Alien Employees who have not been issued Health Certificates because they are undergoing treatment for a communicable disease, and who remain fully compliant with the Division's prescribed treatment regimen for the duration of treatment. An Alien Employee undergoing treatment shall be issued a letter by the Division setting forth the date treatment is anticipated to be completed and when a Health Certificate can be issued.

6.4. Inspections by Duly Authorized Representatives. From time to time an Employer's place of employment may be inspected by a Duly Authorized Representative of the Department. Upon request by the Duly

Authorized Representative, the Employer or Person-In-Charge shall grant the Duly Authorized Representative access to the Alien Employees' employment files for purposes of inspecting the Health Certificates. Any Alien Employee who does not have a valid Health Certificate in his or her employment file shall be reported to the Division.

## **VII. Alien Employees With Positive Test Results**

7.1. Handling of Alien Employees With Positive Test Results. If an Alien Employee is found to have a communicable disease covered by these Rules and Regulations, the Division shall establish a treatment regimen for the Alien Employee to the extent treatment is available within the CNMI. If the Alien Employee fails to comply with the Division's treatment regimen, the Department shall prepare a written advisory to the Department of Labor and Immigration recommending that such Alien Employee be immediately Deported back to his or her country of origin. The costs associated with the Alien Employee's Deportation shall be the financial responsibility of the Employer.

Positive test results for Tuberculosis, HIV, and Syphilis shall be handled by the Division as follows:

a. Tuberculosis. Alien Employees found to have Active Tuberculosis shall be required to comply with the Center for Tuberculosis and Lung Disease protocol for treating Active Tuberculosis for the duration of their stay in the CNMI. Alien Employees whose PPD test results are positive for Tuberculosis, but are diagnosed with Inactive Tuberculosis as determined by a normal, single view PA chest radiograph, shall be required to cooperate with any Tuberculosis therapy prescribed by their attending Physician. Any Alien Employee diagnosed with Tuberculosis who does not comply with prescribed treatment and therapy for Tuberculosis may be referred by the Division to the Department of Labor and Immigration for Deportation.

b. HIV. Alien Employees who test positive for HIV shall comply with the Division's protocol for HIV patients.

c. Syphilis. Alien Employees who test positive for Syphilis shall be required to report to the Division for treatment. Any Alien



Employee diagnosed with Syphilis who does not comply with prescribed treatment and therapy for Syphilis may be referred by the Division to the Department of Labor and Immigration for Deportation.

7.2. Procedure When Infection Is Suspected. When the Secretary has probable cause to suspect disease transmission by an Alien Employee, the Secretary may require a medical history, Physical Examination, and any necessary screening tests required to confirm that the suspected Alien Employee has a communicable disease. If the Alien Employee is confirmed to have a communicable disease, the Secretary may require any or all of the following measures:

- a. Restriction of the Alien Employee's services to an area of the establishment where there would be no danger of him or her transmitting the disease;
- b. Adequate Physical Examinations and health screenings of other employees working in the same establishment as the Alien Employee pursuant to the Rules and Regulations Governing Communicable Diseases;
- c. The immediate exclusion of the Alien Employee from employment pursuant to the Rules and Regulations Governing Communicable Diseases;
- d. The immediate closing of the place of employment concerned until, in the opinion of the Secretary, no further danger of disease outbreak exists pursuant to the Rules and Regulations Governing Communicable Diseases;
- e. Confinement of the Alien Employee in the Commonwealth Health Center or his or her home pursuant to the Rules and Regulations Governing Communicable Diseases;
- f. Referral of the Alien Employee to the Department of Labor and Immigration for immediate Deportation back to his or her country of origin.

## VIII. Screening Required For Dependents

8.1. Physical Examinations and Screening Tests Required for Dependents. Within ten (10) days after the Dependents' authorized entry into the CNMI, the accountable Alien Employee shall schedule appointments for Physical Examinations for the Dependents as required by the Nonresident Worker Act, 3 CMC §4438(b) and Section 3 of these Rules and Regulations, and screening tests for communicable diseases as set forth in Section 4 of these Rules and Regulations.

8.2. Exceptions For Dependents Age Fifteen Or Younger. Notwithstanding Section 8.1, Dependents age fifteen (15) or younger shall only be required to obtain: a) a Physical Examination; b) Tuberculosis Screening as set forth in Section 4.4(a) of these Rules and Regulations; and c) those childhood vaccinations required by Department advisories for which the Dependent does not have Adequate documentation demonstrating that such vaccination was provided in his or her country of origin. The Alien Employee shall be responsible for submitting all vaccination documentation for his or her Dependents age fifteen (15) or younger to the Division for inspection.

8.3. Filing of Dependents' Physical Examination Forms and Screening Test Results. The Physician performing the Physical Examination shall provide the accountable Alien Employee with copies of the completed Physical Examination forms and all screening test results for each of the Alien Employee's Dependents in the CNMI in a sealed envelope marked "Confidential" within forty-five (45) days from the date of the Dependents' initial Physical Examination, and then for Physical Examinations yearly thereafter. It shall be the responsibility of the accountable Alien Employee to submit the sealed envelope containing the Dependents' medical documents to the Division within ten (10) days from receipt from the Physician.

8.4. Issuance of Health Certificates to Dependents. Health Certificates shall be issued by the Secretary to Dependents as provided in Sections 5.1 and 5.2 of these Rules and Regulations. It shall be the responsibility of the Alien Employee to maintain the Health Certificates for his or her Dependents.

8.5. Cost of Dependents' Physical Examinations, Screening Tests, and Health Certificate. The cost of the Physical Examinations, screening tests, and Health Certificates for Dependents shall be the responsibility of either the Alien Employee or the Employer, as agreed to between them.

8.6. Notice of Noncompliance. If a review of the Division's database indicates that a Dependent of an Alien Employee has not been issued a Health Certificate within ninety (90) days from the Dependent's date of entry into the CNMI, Division staff shall send written notice to the Dependent and Alien Employee of noncompliance with these Rules and Regulations. The Dependent shall have twenty (20) days from the date of the notice to come into compliance with the requirements of these Rules and Regulations. Failure to respond to the Division's notice shall subject the Dependent and the Alien Employee to penalties as set forth in Section 10 of these Rules and Regulations. This Section 8.6 shall not apply to those Dependents who have not been issued Health Certificates because they are undergoing treatment for a communicable disease, and who remain fully compliant with the Division's prescribed treatment regimen for the duration of treatment. A Dependent undergoing treatment shall be issued a letter by the Division setting forth the date treatment is anticipated to be completed and when a Health Certificate can be issued.

8.7. Positive Test Results. Dependents with positive test results who fail to comply with the treatment recommendations of the Division or the Center for Tuberculosis and Lung Disease shall be subject to Deportation as provided in Section 7.1 of these Rules and Regulations. However, the costs associated with the Dependent's Deportation shall be the financial responsibility of the Alien Employee.

**IX. Application of These Rules and Regulations To Alien Employees and Their Dependents Currently Residing In the CNMI**

Upon the effective date of these Rules and Regulations, all Alien Employees and their Dependents currently residing in the CNMI shall have ninety (90) days to obtain a Health Certificate in order to be in compliance with the requirements of these Rules and Regulations. Those Alien Employees and their Dependents who have already had a Physical Examination or screening

tests required by these Rules and Regulations in the CNMI for the year shall not be required to obtain new ones, but the Employer or Alien Employee shall be required to bring the results of the Physical Examination and/or screening test results to the Division for entry into the database and for issuance of the Health Certificate.

**X. Penalties For Violations of These Rules and Regulations**

10.1. Penalties for Alien Employees. Alien Employees who are found to be in violation of these Rules and Regulations shall be reported to the Division of Immigration, Department of Labor and Immigration and recommended for Deportation back to their country of origin. The costs associated with Deportation shall be the financial responsibility of the Employer.

10.2. Penalties for Employers. An Employer found to be employing an Alien Employee who has not been issued a Health Certificate by the Secretary and is not undergoing treatment at the Division, or an Employer otherwise violating the provisions of these Rules and Regulations shall be subject to the following penalties:

a) For first time violations, the Employer shall receive a warning letter from the Division setting forth a compliance date for obtaining a Health Certificate for the Alien Employees who have not obtained Physical Examinations and screening tests;

b) For second time violations, the Employer shall be subject to a fine of \$200 for each Alien Employee who does not have a valid Health Certificate and is not undergoing treatment at the Division;

c) For repeat violations, the Employer shall be subject to a fine of up to \$1,000 for each Alien Employee who does not have a valid Health Certificate and is not undergoing treatment at the Division.

10.3. Penalties for Dependents. Dependents age eighteen (18) or older who are found to be in violation of these Rules and Regulations shall be reported to the Division of Immigration, Department of Labor and Immigration and recommended for Deportation back to their country of origin. Dependents

under age eighteen (18) who are found to be in violation of these Rules and Regulations shall be reported to the Division of Immigration, Department of Labor and Immigration and recommended for Deportation back to their country of origin along with an adult Dependent, or if there is no adult Dependent legally responsible for the minor in the CNMI, then with the Alien Employee. The costs associated with Deportation shall be the financial responsibility of the Dependent or the Alien Employee.

10.4. Penalties For Other Violations. Any person found by the Department to have obtained a Health Certificate by fraudulent means; forged or altered information on a Physical Examination form or screening test; refused or failed to comply with any order issued by the Secretary or Duly Authorized Representative pursuant to these Rules and Regulations, or violated these Rules and Regulations in any other manner, shall be liable for a civil penalty of up to \$1,000.00 for each violation of the Rules and Regulations.

## **XI 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 hereby.