

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS



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All Department and Activity Heads are requested to post this Bulletin in all work places and ensure that all employees have access to this information.

CSC Bulletin 18-02

April 9, 2018

To all Department and Activity Heads:

Subject: **Sexual Harassment in the Workplace**

The Civil Service Commission wishes to ensure that all government employees, both Civil and Excepted Service, are fully aware of the CNMI Government's prohibition of sexual harassment of employees in the government workplace. There has been a lot of recent attention on the issue of sexual harassment, but the Commission would like to point out that such undesirable misconduct in the work place has long been prohibited in the CNMI government by regulation, policy and action.

§ 10-20.2-476 Government Employment Equal Opportunity (EEO) Policy was expanded by the 1997 revision of the *Personnel Service System Rules and Regulations* to include subsection (b) with the following statement:

All agencies shall maintain every workplace free from unlawful harassment, including sexual harassment.

and subsection (c) with the following guidance:

Any employee who feels that he or she has been discriminated against on the basis of any of the above factors, or sexually or in any other manner harassed, should immediately report such incidents to a supervisor at any level without fear of reprisal.

The Governor of the Commonwealth officially established the government's EEO program, prohibiting discrimination and harassment, by Directive on April 10, 1997. This government-wide program has continued and been re-endorsed by each succeeding Governor. Also of significance, the Office of Personnel Management issued a policy and procedure on the *Non-Tolerance of Sexual Harassment* on April 17, 2002. This policy and procedure expanded the government's EEO program to place a new emphasis on sexual harassment education and prevention and is still valid and in use. All employees should review this document.

This bulletin is aimed at all level of employees to provide them with knowledge of the government's policy of non-tolerance of sexual harassment and also with a basic understanding of what steps to take if it happens to them or they see others being harassed.

It is the policy of the Commonwealth Government that all employees shall enjoy a work environment free from sexual harassment and all forms of discrimination. Sexual harassment is illegal, under Title VII of the Civil Rights Act of 1964 and is prohibited under NMIAC § 10-20.2-476 of the *Personnel Service System Rules and Regulations* and NMAIC § 10-10-315 of

the *Excepted Service Personnel Regulations*.

Sexual harassment is specifically prohibited and will not be tolerated in any form, regardless of whether the offensive conduct is committed by supervisors, managers, non-supervisors (co-workers) or non-employees (consultants, contractors, general public).

Any employee who is personally subjected to sexual harassment, or is aware that other employees are being subjected to sexual harassment, should report the incident or situation **immediately** to his or her departmental Equal Employment Opportunity Coordinator, supervisor, manager, Division Director or Department Head/Appointing Authority. If the employee does not feel comfortable bringing it to the attention of any of these parties, or they are somehow involved in the harassment, he or she should **immediately** contact the Commonwealth Equal Employment Coordinator at the Office of Personnel Management, or the Director of Personnel directly. The initial contact does not have to be in writing.

Supervisors are responsible for the occurrence of acts of sexual harassment in the work place when they know or should have known of the prohibited conduct. As an official of the Commonwealth government, a supervisor's improper action or failure to act creates a liability on the part of the Government. All incidents of sexual harassment will be immediately reported to the Equal Employment Opportunity Coordinator, Division Director or Department Head for guidance. Supervisors and managers who knowingly allow harassing behavior to occur, or participate in such behavior, will be subject to disciplinary action.

The Civil Service Commission and the Office of Personnel Management are responsible for ensuring that the regulations, policies and programs exist and are implemented and enforced to ensure that sexual harassment is not tolerated in the workplace and that all employees enjoy a work environment free from sexual harassment and all forms of discrimination.

Either the complainant or the respondent, if Civil Service, may appeal the final resolution of an allegation to the Civil Service Commission, not later than fifteen (15) days after receiving notice of the final resolution. If the complainant or the respondent is an Excepted Service employee, he or she may appeal the final resolution to the Director of Personnel, not later than fifteen (15) days after receiving notice of the final resolution. The Civil Service Commission or the Director of Personnel, as appropriate, will conduct a hearing on the appeal and make a final decision on the matter.

Again, sexual harassment will not be tolerated by the Commonwealth government. It is important that employees at all levels understand their rights to a harassment free work environment and their responsibilities for creating and maintaining a workplace where sexual harassment and other forms of harassment and discrimination are not tolerated.



Felicitas P. Abraham
Acting Chair, Civil Service Commission

cc: Governor
Lieutenant Governor
All Members of the Senate
All Members of the House of Representatives
Director of Personnel