



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
CIVIL SERVICE COMMISSION
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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 18-06

June 14, 2018

To: All Department and Activity Heads

Subject: The Constitutional violation of PL 20-13 in modifying employment experience requirements set by the Civil Service Commission

Public Law 20-13, passed by both Houses of the Legislature and signed into law by the Governor on September 26, 2017, improperly usurped the authority of the Civil Service Commission as provided by Article XX of The Civil Service Commission. This newly passed statute was referred by the Civil Service Commission to the Attorney General for a legal opinion. The Attorney General, upon review, responded that the statute was, in fact, in violation of Article XX of the Commonwealth Constitution:

Under the Commonwealth Constitution, the Civil Service Commission (CSC) has sole jurisdiction to establish policy and administer the civil service system of the Commonwealth Government. PL 20-13 directs the CSC to promulgate specific regulations that would credit work experience for applicants to civil service positions that possess an associate or bachelor degree. The public law deprives the Civil Service Commission from exercising any discretion over the crediting of any post-secondary education degrees and thus conflicts with the CSC's broad constitutional mandate to establish personnel policies over the civil service system.

Public Law 20-13 amended the existing statutory provisions of Public Law 17-80, § 8117. Civil Service Commission: Rules and Regulations, by legislatively changing the Commission's Constitutionally provide authority to establish minimum qualification standards for civil service positions.

Public Law 20-13 rewrote § 8117 to read:

- (i) Establish the method of certification of eligibility for appointment and promotion; provided that such method of certification shall credit applicants with two years of work experience if they have received an associate's degree in a field that is related to the position for which they have applied, and shall credit applicants with four years of work experience if they have received a bachelor's degree in a field that is related to the position for which they have applied.

The Public Law 20-13 amendment goes beyond the Legislature's authority to give broad guidance and establishes regulatory policy provisions, an action that is constitutionally under the authority of the Commission.

Pending legislative action to repeal the statute, the Civil Service Commission and the Office of Personnel Management will continue to enforce the minimum qualifications found in the class specification for each civil service position.

It must be noted that appointment and promotion within the civil service, by statute and regulation, are based on merit and fitness as demonstrated by examination or by other evidence of competence. Public Law 20-13 would have established a policy of applicant preference based on education over other factors of merit and fitness.

The Civil Service Commission recognizes the importance of education for improving the standard of government service, as expressed in the previous CSC Bulletin 18-04: Prior Learning Assessment and appreciates the Legislature's desire to attract and retain the Community's college graduates. The Commission has met with the author of the statute and expressed its support for the intent of the law. The Commission will work to properly establish programs that will provide opportunities for our college graduates without causing disadvantage to applicants with valuable work experience.

The Civil Service Commission feels that it is important to maintain its role as a non-partisan and independent agency with the Constitutionally established duty to develop and administer personnel policies for the Commonwealth Government. The Commission was created by Article XX of the Commonwealth Constitution to establish, implement and control, pursuant to Public Law 17-80, a system of personnel administration and policies based on merit principles and generally accepted methods governing the classification of positions and the employment, conduct, movement, and separation of public officials and employees for the Commonwealth Government.

The Commission represents the public interest and all civil service government employees in assuring compliance with basic policies concerning personnel administration and ensuring that the integrity of the civil service system is preserved.



Felicitas "Tee" P. Abraham
Chairperson, Civil Service Commission

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