



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 19-01

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To: All Department and Activity Heads

Subject: The Commonwealth's Alcohol and Drug-free Workplace Program

The Commonwealth's Alcohol and Drug-free Workplace (ADFW) Program regulations can be found in Part 400 Subpart C of NMIAC §10-20.2 (Personnel Service System Rules and Regulation) for Civil Service employees and Part 300 of NMIAC §10-10 (Excepted Service Personnel Regulations). Both regulations begin with a statement of the CNMI Government's ADFW policy:

As an employer, the government recognizes it has a responsibility to its employees and the public it serves to take reasonable steps to assure safety in the workplace and in the community. Furthermore, the government is concerned about the adverse effect alcohol and drug abuse have on safe and productive job performance. It also recognizes that any employee, whose ability to perform safely and productively is affected by the use of alcohol and other drugs, jeopardizes the integrity of the workplace and the achievement of the government's mission. The government realizes that alcoholism, problem drinking and drug addiction are treatable illnesses. The government, therefore, encourages employees who have problems with drugs or alcohol to utilize all available resources to resolve their problems before those problems affect their job performance.

Both regulations continue on to provide information and guidance to both Civil Service and Excepted Service Employees about the Governments ADFW Program:

- Definitions
- Prohibited Conduct
- Penalties and Consequences
- Return to Work Procedures
- Testing Occasions
- Collecting and Testing Breath Specimens
- Collecting and Testing Urine Specimens
- Employee Awareness and Rehabilitation

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- Employee Awareness and Rehabilitation
- Disseminating Information on Regulations
- Record Retention and Reporting Requirements
- Responsibilities of Employees and Management

The Prohibited Conduct section provides guidance concerning the sale, purchase, possession and use of drugs and alcohol in the workplace. This section also prohibits being under the influence of alcohol or any illegal drug when at work, or reporting to work under the influence with the intention of working. Marijuana was included as an illegal drug and is still listed as such under the Federal Controlled Substances Act (“CSA”), with which, as an employer which is a recipient of federal funding, the CNMI Government is obligated to comply. The Penalties and Consequences section discusses the violations that will result in disciplinary action up to and including termination of employment.

The Testing Occasions section lists and explains the different testing occasions established by the regulation: pre-employment, random, reasonable suspicion and post-accident. It further states the consequences of testing positive, to include denial of employment and withdrawal of employment offers in cases of positive test results on a pre-employment test, and disciplinary action up to and including termination of employment for positive test results in post-employment testing.

With the recent passage of Public Law No. 20-66, the Taulamwarr Sensible CNMI Cannabis Act of 2018, there have been questions asked and newspaper-published letters and replies about government and other employers drug testing policies. The Civil Service Commission and the Office of Personnel Management have researched the effect of similar laws in other states and their effect on employer rights and responsibilities. We have also reviewed relevant court cases and determined that the legalization of marijuana does not require a change of employers’ hiring requirements or policies. Although marijuana can now be purchased legally and used for medicinal, recreational, and commercial purposes, it does not make it acceptable for employment practices or change its federal inclusion as an illegal substance.

Public Law No. 18-47, the Law Enforcement Mandatory Drug Testing Act of 2013 requires mandatory drug testing of all CNMI law enforcement employees each year and statutorily restates the regulatory random testing requirement for all government safety-sensitive positions.

The Federal Controlled Substances Act, CNMI Public Law No. 18-47, and the Civil Service and Excepted Service Regulations, which have the force and effect of law, form the basis for the CNMI Alcohol and Drug-free Workplace program. The Taulamwarr Sensible CNMI Cannabis Act of 2018, in Section 104 states:


Section 104. Limitations. This Act may not be construed:

- (a) To amend or affect in any way any Commonwealth or federal law pertaining to employment matters;

The law does not establish any requirement for government or private employers to change their employment standards or policies.

Accordingly, the Civil Service Commission and the Office of Personnel Management will continue to comply with existing federal and CNMI laws and regulations. This will include pre-employment and post-employment testing and enforcement of established penalties for violations. It will also include support of employee education and, when necessary, rehabilitation efforts.

The Civil Service Commission represents the public interest and all Civil Service government employees and, in this situation, through the Office of Personnel Management, the interests of all Excepted Service employees, in assuring the safety of the workplace. The Commission encourages all government employees, and aspiring government employees, to comply with the provisions of the federal and CNMI laws and regulations and to assist in maintaining the safety and quality of the workplace. Your efforts will help ensure that the integrity of the civil service system is preserved.



Felicitas "Fee" 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